

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

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: 827 6144 2366 A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.**

**Minutes of the Office of Hawaiian Affairs  
Board of Trustees  
MINUTES  
March 9, 2023**

ATTENDANCE:

Chairperson Carmen Hulu Lindsey  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria  
Trustee J. Keoni Souza  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

BOT STAFF:

Lehua Itokazu, Board Secretary  
Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Evalani Canto, Trustee Aide  
LeiAnn Durant, Trustee Aide  
Richelle Kim, Trustee Aide  
Pohai Ryan, Trustee Aide  
Ruben Sierra, Trustee Aide

ADMINISTRATION:

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel  
Robert Klein, Board Counsel  
Tiger Li, IT Support  
Erin Nakama, IT Support  
Kevin Chak, IT Support  
Arlene Aguinaldo, IT Support

GUEST:

Clare Apana  
John Kahawai'i  
Carolee Kamekona  
Ashford Delima  
Cheryl Hotta  
Valerie King  
Palikapu Dedman  
Kaniloa Kamaunu  
Joyclyn Costa

## Call to Order

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, March 9, 2023, at 10:03 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	DAN	<b>AHUNA</b>		excused
TRUSTEE	KALEI	<b>AKAKA</b>	X	
TRUSTEE	KELI'I	<b>AKINA</b>		Arrived at 10:05 am
TRUSTEE	LUANA	<b>ALAPA</b>	X	
TRUSTEE	BRICKWOOD	<b>GALUTERIA</b>	X	
TRUSTEE	J. KEONI	<b>SOUZA</b>	X	
TRUSTEE	MILILANI	<b>TRASK</b>	X	
TRUSTEE	JOHN	<b>WAIHE'E</b>	X	
CHAIRPERSON	CARMEN HULU	<b>LINDSEY</b>	X	
			7	

At the Call to Order, **seven (7)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** Aloha kākou and welcome to our Board of Trustees meeting. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream). Before we begin, I would like note that items III. A. 2 & 3 and III. B. 1 & 2 were received under the 72-hour deadline. Let me go over some quick announcements. Please mute your mics when you are not speaking, this is important for those who are joining us from their own computers at home. Our staff will mute you if needed due to feedback. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my staff, my Aides - Kanani Iaea and Amber Kalua, Board Secretary - Lehua Itokazu, Judge Robert Klein - our Board Counsel, and Sylvia Hussey - CEO. I will ask Sylvia to introduce staff that are with us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning Trustees, today from Administration is our COO - Casey Brown, CFO - Ramona Hinck, Interim General Counsel - Everett Ohta, Interim Sr. Legal Counsel - Nietzsche Ozawa, and supporting online is Arlene and Erin and in the boardroom Kevin - all from IT.

**Chair Hulu Lindsey** We'll take the next item separately, approval of minutes. Do we have anyone signed up to testify on this next agenda item?

**Board Secretary** There is no one signed up to speak on the minutes.

## Approval of Minutes

1. September 15, 2022
2. February 2, 2023

Chair Hulu Lindsey I will entertain a motion for the following minutes.

1. September 15, 2022

Trustee Waihee So moved.

Trustee Souza Seconds the motion.

Trustee Waihee Moves						
<u>Approve the following minutes:</u> September 15, 2022						
Trustee Souza Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						excused
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA					X	
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>7</b>		<b>1</b>	<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
Motion passes with Seven (7) Yes votes, Zero (0) No votes, One (1) Abstentions and One (1) Excused.						

Trustee Waihee Moves to approve the following minutes

February 2, 2023

Trustee Souza Seconds the motion.

<b>Trustee Waihee Moves</b>						
<b><u>Approve the following minutes:</u></b>						
<b>February 2, 2023</b>						
<b>Trustee Souza Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>						<b>excused</b>
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Excused</b>						

**New Business**

**A. Committee on Beneficiary Advocacy and Empowerment  
1. 2023 OHA State Legislature Bill Positions Related to Measures  
Affecting Native Hawaiians – Matrix 3, March 1, 2023**

**Chair Hulu Lindsey** Lehua, do we have anyone signed up to speak on any of the items listed under new business?

**Board Secretary** Two individuals signed up to speak, but they are not present.

**A. Committee on Beneficiary Advocacy and Empowerment  
1. 2023 OHA State Legislative Bill Package – OHA – 1 – Matrix 1†**

**Trustee Akaka** Your Committee on Beneficiary Advocacy and Empowerment, having met on March 1, 2023 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

Move to approve Administration’s recommendations on: **NEW BILLS (Items 1 - 3)** as listed on Matrix 3 -- **Bill Positions Related to Measures Affecting Native Hawaiians**– dated **March 1, 2023**, along with the following revisions:

**BILL POSITION CHANGES:**

- **Item 86, SB1235 from COMMENT to SUPPORT**

**Trustee Waihe’e Seconds the motion.**

<b>Trustee Akaka Moves</b>						
Move to approve Administration’s recommendations on: <b>NEW BILLS (Items 1 - 3)</b> as listed on Matrix 3 -- <b>Bill Positions Related to Measures Affecting Native Hawaiians</b> – dated <b>March 1, 2023</b> , along with the following revisions:						
BILL POSITION CHANGES:						
<ul style="list-style-type: none"> <li>• <b>Item 86, SB1235 from COMMENT to SUPPORT</b></li> </ul>						
<b>Trustee Waihe’e Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>						<b>excused</b>
<b>TRUSTEE KALEI AKAKA</b>	<b>X</b>		<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>		<b>X</b>	<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Excused.</b>						

**2. 2023 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2†, March 8, 2023**

**Trustee Akaka Madame Chair I would like to ask that we move into executive session.**

Trustee Souza Seconds the motion to recuse into executive session pursuant to HRS § 92-5.

The Board recuses into Executive Session at 10:11 a.m.

Motion to recuse into executive session pursuant to HRS Section§92-5						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE KEONI SOUZA		X	X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with a Eight (8) YES votes, Zero (0) NO votes and One (1) EXCUSED vote.						

Board returns to open session at 11:33 a.m.

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on March 8, 2023 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

Move to approve Administration’s recommendations on: NEW BILLS (Items 1 – 3) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 8, 2023.

Trustee Waihee Seconds the motion.

Trustee Akaka Moves						
Move to approve Administration’s recommendations on: NEW BILLS (Items 1 – 3) as listed on Matrix 2 -- Bill Positions Related to Measures Naming OHA – dated March 8, 2023.						
Trustee Waihe‘e Seconds the motion.						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						excused
TRUSTEE KALEI AKAKA	X		X			

TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Excused.</b>						

**3. 2023 OHA State Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†, March 8, 2023**

Trustee Akaka Move to approve Administration’s recommendations on: **NEW BILLS (Items 1 – 13)** as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated March 8, 2023.

Trustee Waihee Seconds the motion.

<b>Trustee Akaka Moves</b>						
Move to approve Administration’s recommendations on: NEW BILLS (Items 1 – 13) as listed on Matrix 3 -- Bill Positions Related to Measures Affecting Native Hawaiians – dated March 8, 2023.						
<b>Trustee Waihe’e Seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
TRUSTEE DAN AHUNA						<b>excused</b>
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			

TRUSTEE MILILANI TRASK			X		
TRUSTEE JOHN WAIHE'E		X	X		
CHAIRPERSON HULU LINDSEY			X		
TOTAL VOTE COUNT			8		1
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED					
Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Excused.					

Chair Hulu Lindsey Item III.B.1 will be taken up on a future agenda as it was deferred at yesterday's committee meeting, Committee on Resource Management. We will move on to the next item on the agenda III.B.2.

**B. Committee on Resource Management**  
**3. Action Item RM #23-05: Final Report of May 2019 Board Actions re: Limited Liability Companies †**

Trustee Waihee Your Committee on Resource Management, having met on March 8, 2023 and after full and free discussion, recommend the approval of the following actions to the Board of Trustees:

**Motion:**

Approve the cancellation of the following purchase orders to complete the May 2019 Board approved reorganization of limited liability companies at Attachment A:

<u>Description</u>	<u>Appropriation</u> <u>320</u>	<u>Appropriation</u> <u>930</u>	<u>Total</u>
Cancellation of Purchase Order 210006 – Hi'ilei Aloha, LLC	\$ 134,000		\$ 134,000
Cancellation of Purchase Order 210007- Ho'okipaipai, LLC	\$ 61,000		\$ 61,000
Cancellation of Purchase Order 180396 – Hi'ipaka, LLC		\$ 41,200	\$ 41,200
Cancellation of Purchase Order 2020_PO_068 – Hi'ilei Aloha, LLC	\$ 11,986.92	\$ 84,009	\$ 95,995.92
Cancellation of Purchase Order 210044 – Ho'okipaipai, LLC	\$ 2,033		\$ 2,033
<b>Total</b>	<b>\$ 209,019.92</b>	<b>\$ 125,209</b>	<b>\$ 334,228.92</b>

Trustee Akaka Seconds the motion.



**Trustee Waihee Moves**

**Approve the cancellation of the following purchase orders to complete the May 2019 Board approved reorganization of limited liability companies at Attachment A:**

<u>Description</u>	<u>Appropriation 320</u>	<u>Appropriation 930</u>	<u>Total</u>
Cancellation of Purchase Order 210006 – Hi’ilei Aloha, LLC	\$ 134,000		\$ 134,000
Cancellation of Purchase Order 210007- Ho’okipaipai, LLC	\$ 61,000		\$ 61,000
Cancellation of Purchase Order 180396 – Hi’ipaka, LLC		\$ 41,200	\$ 41,200
Cancellation of Purchase Order 2020_PO_068 – Hi’ilei Aloha, LLC	\$ 11,986.92	\$ 84,009	\$ 95,995.92
Cancellation of Purchase Order 210044 – Ho’okipaipai, LLC	\$ 2,033		\$ 2,033
<b>Total</b>	<b>\$ 209,019.92</b>	<b>\$ 125,209</b>	<b>\$ 334,228.92</b>

**Trustee Akaka Seconds the motion.**

	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE DAN AHUNA</b>						<b>excused</b>
<b>TRUSTEE KALEI AKAKA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			
<b>TRUSTEE BRICKWOOD GALUTERIA</b>			<b>X</b>			
<b>TRUSTEE J. KEONI SOUZA</b>			<b>X</b>			
<b>TRUSTEE MILILANI TRASK</b>			<b>X</b>			
<b>TRUSTEE JOHN WAIHE‘E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>

**MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED**

**Motion passes with Eight (8) Yes votes, Zero (0) No votes and One (1) Excused.**

### C. Community Presentation re: Iwi Kūpuna Protections, Grand Wailea Expansion, Maui – Clare Apana

**Chair Hulu Lindsey** Our next item on the agenda is III.C. Community Presentation regarding iwi kūpuna protections, Grand Wailea Expansion, Maui. Do we have anyone signed up to speak on this item?

**Board Secretary** Yes, we have multiple people.

**Carole Lee Kamekona** Aloha, I am a recognized Maui, Lāna‘i Island Burial Council cultural descendant. The Burial Council brought forth three motions:

1. No ground disturbance
2. Requires a full accountability of all iwi kūpuna that were desecrated, disinterred, and relocated off property from past to present.
3. The meets and bounds for both preserves talk to cultural and lineal descendants.

As a cultural descendant, I have had no consultation with State Historic Preservation Division (SHPD) nor the hotel. In their third motion, the Burial Council asked for astro space. The astro space is not just for a buffer but for your spirit, as kānaka we understand that. In the northern preserve, 8658, over 300 burials were put there in between a parking garage and a Wailea wing that the hotel wants to add another wing. This wing will impede on the current reserve. I am concerned about the disturbance with the staging and the driving of all the equipment that will be brought in to build on that parking garage and other wing. Where is the respect? Do developers go to Punchbowl and disinter? Do they go to Arlington and desecrate? Of course, not because this is the Western perspective. Our iwi kūpuna are all over our ‘āina, we do not have cemeteries like the western concept. We need protect what little we have left. We need developers to understand this concept. I am asking you as the OHA Trustees to please look at the Maui Island Burial Council motions, take them to heart, and act on them. SHPD says they have been done, and I am telling you, they have not consulted with me. I mahalo you for this opportunity to come before you on behalf of our kūpuna because we have to be their voices, mahalo.

**Ashford Delima** Aloha, I am Ashford Delima; I am a lineal descendant of Honoula. Today, I reside on properties from Hiapo and Ulupalakua. My concern is of a lineal descendant from Mākena, known today as Wailea. There are so much burials there. I have seen videos of people who work there and describe how bones have been disturbed; bones taken out and placed in buckets, all these buckets were loaded onto a trailer and taken off the property. I have spoken to two workers, one who was a truck driver, they do not know where our kūpuna bones went to. As a lineal descendant, I feel that these iwi should stay in place. I am asking OHA to please kōkua and mālama the kūpuna iwi. Please help us, we need your help; the kūpuna are crying to me and others.

**Cheryl Hotta** Aloha Chair and Trustees, I will start off with a quote from the last page of the memorandum that was signed by Moses Keale. Na wai e ho‘ōla i nā iwi - *Who will care of the bones?*

I have heard about the stories, gone to the different sites, and seen how our kūpuna have been treated. I am not sure if you are aware that after this MOA was written, there were, what we call, *after the facts* permits that were approved. An example is when they dug for a pool, it was 200ft. deep. I am disturbed and confused as to why we would have a memorandum in place, but it is not being followed. OHA should enforce the Maui Island Burial Council memorandum and make amendments that are needed. I plead with you today to help us protect our iwi kūpuna.

**Valerie King-Alconcel** Aloha and thank you. I want to express how hurt I am. I went to two of the sites, Grand Wailea. They said the area was nice and pretty. When I went there, the area was lepo; it was heart-wrenching to

see and hurtful. I would like OHA to do something. What do we need to do or show that they are not holding up their end? I plead with you to do something.

**Palikapu Dedman** I've been involved for a long time and got involved with the Maui people. I was told I couldn't be a part of it because I was from the Big Island. All of sudden I am looking at rules and regulations that I have to abide by. They say my genealogy is how I am connected to Maui. I just go with my DNA, I do not need an alphabet to make me connected to Maui. Anyway, I became a part of a lawsuit. I understand how the MOA works and I know a lot of the Trustees signed it at that time. What choice did we have at that time when the Governor supported it, OHA supported it, and we, Hawaiians, had no direction. All we had left was to protest. We didn't have any legal angles to go through. During that time, no one got arrested and they didn't want anybody to get arrested. The creation of the Burial Council was the way they answered the problem. After many years, you realize the Burial Council has no power, they just make opinions. There is no law to protect them because they are under SHPD. It goes right back to the State, right back to where the problem was. Many of the MOA's are outdated. There is more evidence today and updated information on how MOAs should be looked at. You cannot look at the MOAs with a western perspective, but a native perspective; there would be more meaning with the language being used in the MOAs. Maybe you can amend these old MOAs or start from scratch; we need to protect our iwi kūpuna, there is no one else in the world that will protect them. We have three organizations that have been doing this for years. I don't want to say that this is a demand but a request and automatic that you would support, maybe you need to get rid of the old MOA and re-do it.

**Kaniloa Kamaunu** Aloha kākou, mahalo for allowing us to speak this morning. Walking around the Grand Wailea, you can feel our ancestors there. What we presume is that we are dealing with adults but they are not looking at the mo'olelo or story of the area, and that there was a village and families. As a native people, we believe our ancestors are still alive, they work through us. An example that happened up in Waiehu, there was a Korean family being bothered by an unknown entity. My uncle went to help them and what he found out was the reason there was anger in this place was because the kupuna there could not find the rest of his family members. Even though our ancestors are not here, they are still connected to their family in that realm. He had to help this kupuna and show them where to go. It is the same thing with this area, we have children there disconnected from their mākuā and tūtū. What is not being told is the devastation is still happening not only physically here, but in the spiritual realm too. These spirits are looking for comfort. Can you imagine someone ripping your mo'opuna from your hands and taking them? I can only say this to you because you are kanaka. I am saying this with all the pono I have in my soul. If no one will help us help them, then no one will, this will just continue. Mahalo.

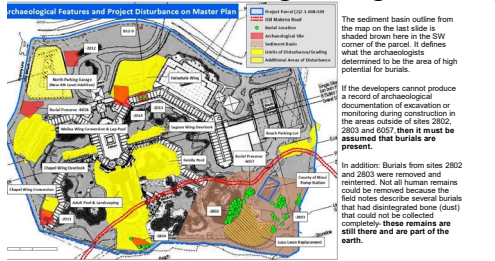
**Joyclyn Costa** I want to echo things that were said earlier. Things my friend Kaniloa said earlier is just one example of what continues within the islands. We continue today in the illegal occupation of the islands, it is no wonder why we need to find remedies and trauma relief from all that we have to continue to go through. Even if this is a State forum, OHA, this is the body we feel most would understand what we are talking about. Our County Council ripped apart what the County did, which was an overlay that helped protect sensitive areas; then in one vote, they eliminated that process, this was the first thing they did when they opened session in Maui County. This was done so developers could say *oh I don't think anything is there*, and then later finding out what people were saying was there. Then, they become inadvertent and then a decision if they remain in place or if we need to move them because it is inconvenient for forward movement for development and the sake of equity for the State due to tourism. This is the body that needs to assist but this will not stop the kānaka from doing what it needs to do. I think that is the most powerful action is when the people speak, and you back the people up. This would be a powerful message to the State. Knowing our history, the fallacies, and what the people represent, I hope you can go against the grain, become braver and say what needs to be said. Before I close, there is a social media story that I want to share; A girl shares that a favorite teacher, liked by many

students one day rearranged the classroom. Chairs were positioned in a circle, students were told to come into the class, do not speak, do not move, a goldfish was placed in the middle of the circle and taken out of its bowl and left on the table. Students were told that anyone who did not follow the instructions would fail his class. The teacher preceded to leave the class and students sat agonizing and not wanting to fail the class. Then one girl decided she had enough, stood up, picked the goldfish up, and placed it back in the bowl. As soon as the girl did this, the teacher walked back in and said *this is what the system has created, look at all of you not wanting to move*. Please do something, rather than sitting here looking at one another and watching us die. Mahalo.

**Clare Apana** Aloha and thank you for having us on the agenda today. As you have already heard, we have been doing this for a very long time. If anyone did not know, the Grand Wailea Resort is in Mākena. OHA had memorandums of agreement which essentially allowed disinterment of our iwi kūpuna with re-interment on the property along with the Ritz Carlton and Turtle Bay at the same time. People at OHA at the time were largely responsible for that. In a letter, the hotel thanks OHA, the State, and DLNR for keeping it quiet. Today, burial issues are different and you, as Trustees, have a chance to make right on what has been so wrong on this property. I am calling John Kahawai‘i.

**John Kahawai‘i** Good morning Trustees, my name is John Kahawai‘i. My main concern is the Memorandum of Agreement done by OHA in 1988. Why is this Memorandum of Agreement important? It has our history, the history of the Grand Wailea, and the history of the people of that time. It means this history belongs to all of us, to OHA, it is a legacy piece. We need this Memorandum of Agreement to be an agreement that is present. It would be important for us to have our names signed on a revised version of a memorandum of agreement. It is important because we have new companies in Maui, in Hawai‘i, and they are doing their assessments for the hotel, and they are saying that this Memorandum of Agreement is no longer valid. What is valid today to them is, if they encounter iwi kūpuna at the Grand Wailea, they will take the iwi, put it in a box, and take it to their office in Wailuku. This is why the Memorandum of Agreement is very vital to all of us. This Memorandum of Agreement also has a picture of the burial preserve and where the burial preserve is, that is also why this Memorandum of Agreement is important. It is important history for us to know and use it. It is not for someone to come from the mainland to come here and tell us what we are going to do with our burial preserve and tell us where things are. This is why we need to hold on to what we have because that is all we’ve got. Thank you and we appreciate you letting us talk to you folks.

**Clare Apana** Thank you, very quickly, I want to give you some brief history. Three interveners were accepted by the Maui Planning Commission on January 21, 2020. This was the result of residents and community coming to us and asking us to go to the Grand Wailea. When I went to Grand Wailea, I could feel the sadness of our kūpuna, and they seemed to be waiting for us. We know they’ve been there for over 30 years in the burial preserves. This new expansion that was being proposed calls for digging and ground disturbance. If you see a map of what they propose to be built, you might think that’s not so much area, but what you don’t know is what the ground disturbance is. They also don’t show what the ground disturbance is doing to the previously found archaeological sites and burials that were found during this MOA period. Some of these areas are 40 feet deep because of the drainage being that deep. All the information came from them, and we put it on a map.



What you didn't know was before the first MOA, the bulldozer operator who dug the waterline found babies. They were taken out and placed in cardboard boxes. I found another person who helped secure a place in a cemetery for burials from the Grand Wailea. You didn't know this when the first MOA asked to relocate two flat form burials that they had already taken off the property.

They are not recorded but recorded deep in the hearts of the people who had to dig them up. We now come to the time of the MOA and the archaeologist's field notes say *we are working as fast as we can, we are trying to get in front of the bulldozers, and we are not being successful. Lots of time, we are getting there after the bulldozers.* Another workman said they put all the bones in the bone house, an actual house with a door that they put the bones in. The person moving these white buckets had no idea there were bones inside these buckets. From there very beginning there has been a pattern for this resort to not tell the truth. We have gone over every page of archaeological field notes and what you do not see in any of their archaeological maps are there are six sides that were never recorded. Most of the burials are coming from the retention basin and oddly enough, we could not find field notes from this area. What we did find alarming was burials were left under the Humuhumu restaurant, evidence by Linda Delaney, of OHA, asking what are you going to do with the burials here? In 2006, they started to dig for a new multi-captor, when they did this, there were 11 burials intact. They had a total of 23 burials in the size of a swimming pool. They reported there was nothing there. The area where we know that burials still remain, we propose that they are given their own preservation area to honor them because they are still in the ground. If you would also look at the burial council motions from April 2022. They made some good motions;

1. No more ground disturbance on this burial ground.
2. All the iwi be accounted for, whether they are taken off the property, left on the property, or in burial preserves.
3. Descendants and the interveners be allowed to have consultation to be sure that the boundary area and buffer zones are adequate and respectful.

None of these things have happened. SHPD does not enforce this nor do they seem like they will be doing anything about it. I have worked hard to get SHPD to follow the laws to get the burial council to agendize this for an opinion. Yet, even when a good motion is made, they do not follow it. I will end here with what we are asking you to do because you can help turn this around. We are asking:

1. Investigate OHA's own abilities to take legal action to enforce the MOA to ensure no further development in this area, no utilities to the preserve, and the recorded area of the preserve is expanded.
2. Support the Maui and Lāna'i Island Burial Council motions by passing a resolution and sending it to SHPD.
3. Financial support for interveners: Will use for awareness raising, litigation, and operating cost.

We would also like to add if you can investigate this MOA and do your own legal action, we would support that whole heartedly. Thank you so much for allowing us to bring all of this forward to you. We do ask that you take action, mahalo.

**Chair Hulu Lindsey** Thank you Clare, we know that you've had indepth conversations with our staff over the last few weeks. We will definitley take everything you mentioned under consideration and get back to you.

With your permission, I would like to defer the last item on the agenda. I will announce that the State Auditor will be releasing our audit tomorrow. Nothing we say or do today will change anything. I think it would be worth it for us to read it carefully and I will ask our Ka Pouhana to report the meeting she had with them on our next agenda.

At this time, do we have anyone signed up for community concerns and celebrations?

**Board Secretary** No one is signed up.

**Announcements**

**Chair Hulu Lindsey** Our next Board meeting is set for March 23rd at 10:00 am.

**Adjournment**

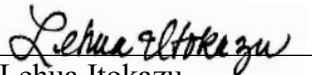
**Trustee Akaka** Moves to adjourn the meeting.

**Trustee Galuteria** Seconds the motion.

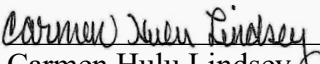
Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						X
KALEI	AKAKA	X		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA		X	X			
J. KEONI	SOUZA			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E						Left mtg at 12:20 pm
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 12:50 p.m.

Respectfully submitted,

  
 Lehua Itokazu  
 Board Secretary

As approved by the Board of Trustees on April 6, 2023.

  
 Carmen Hulu Lindsey  
 Chairperson, Board of Trustees

**Attachments:**

1. Excuse Memo – Trustee Ahuna



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OFFICE OF HAWAIIAN AFFAIRS  
**Office of Trustee Dan Ahuna**  
Interoffice Memorandum

Date: March 8, 2023

To: Trustee Hulu Lindsey, Chair Board of Trustees (BOT)

Trustee Mililani Trask, Vice-Chair Board of Trustees (BOT)

From: Trustee Dan Ahuna

A handwritten signature in black ink that reads "Dan Ahuna".

Subject: **BOT Meeting Absence – March 9, 2023**

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I am unable to attend the BOT meeting scheduled for March 9, 2023.  
Please extend my excused absence and my sincere apologies to the members of the board.  
Mahalo.