

Exhibit 08
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**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**
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September 16, 2015

Stephanie Nagata, Director
Office of Mauna Kea Management
640 N. A'ohōkū Place, Room 203
Hilo, Hawai'i 96720

Re: Bulldozer Demolition of Ahu by Mauna Kea Support Services Staff

Aloha Ms. Nagata:

The Office of Hawaiian Affairs (OHA) requests information and accountability for the demolition of an ahu, formerly located on Mauna Kea. We understand that the ahu was built by Mauna Kea protectors on June 24, 2015, in connection with demonstrations against the construction of the Thirty-Meter Telescope and for the protection of the 'āina. Based on recent news and social media accounts, the demolition of the ahu was discovered by Mauna Kea protectors on Sunday, September 13, 2015, during a cultural access. Officials from the Office of Mauna Kea Management (OMKM) have reportedly stated that the ahu was bulldozed by an unidentified Mauna Kea Support Services (MKSS) staff person in order to gain access to construction materials sometime before August 25, 2015. OMKM officials have also reportedly stated that the MKSS staff person was not specifically authorized or asked to remove the ahu.

At this time, our agency asks for additional information related to the destruction of the ahu, including the results of an investigation into the actions of MKSS staff. We ask that the investigation include a determination as to whether the responsible parties violated Hawai'i Revised Statutes § 711-1107 (Desecration), which reads in pertinent part:

- (1) A person commits the offense of desecration if the person intentionally desecrates:
 - (a) Any public monument or structure;
 - (b) A place of worship or burial; or
 - (c) In a public place the national flag or any other object of veneration by a substantial segment of the public.

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This incident also highlights the major consequences of OMKM failing to implement management action commitments from the Mauna Kea Comprehensive Management Plan (CMP)¹ and Cultural Resource Management Plan (CRMP)². Of relevance to the ahu demolition are CR-7 (relating to the construction of new Hawaiian cultural features) and C-7 (relating to education of construction supervisors and all workers on the cultural significance of Mauna Kea and training on what constitutes respectful and sensitive behavior while on the summit area). Since the adoption of the CMP and CRMP, OMKM has failed to adequately implement many management actions, including CR-7 and C-7. A draft plan to implement CR-7 contemplates the creation of a permitting system and the establishment of designated areas for the construction of new cultural features. However, the CR-7 draft plan notes the need for OMKM to seek Department of Land and Natural Resources approval before OMKM can issue permits or designate areas for cultural site construction. To date, no such approvals have been sought.

Although we have concerns about the unreasonably burdensome nature of the proposed CR-7 implementation plan for practitioners, OMKM's failure to establish procedures—which must be developed through meaningful consultation with Kahu Kū Mauna, OHA, and the affected public—leaves cultural practitioners with little guidance as to how they can exercise their constitutionally and statutorily protected rights. In 2010, OMKM designated CR-7 for “immediate (1-3 years)” implementation in its annual report to the Board of Land and Natural Resources (BLNR).³ As OMKM has not implemented a plan related to the construction of new cultural sites, it has instead taken the position that no new “structures” are allowed on Mauna Kea without a permit from BLNR. Such an approach is not appropriate for a manager of one of the most significant sites to the Native Hawaiian people and a known site of cultural worship.

Finally, the nature of the bulldozer demolition and the lack of notification to outside parties reflect particularly poorly on OMKM. During the heightened attention given to Mauna Kea in recent months, Governor Ige asked OMKM and the University of Hawai'i to accept responsibility for past failings and to be better and more collaborative stewards of Mauna Kea. UH President Lassner responded with a commitment to improved care for the mauna. It is extremely concerning that UH and OMKM have failed to live up to these promises so soon.

We demand that OMKM, through its future actions, demonstrate an actual commitment to culturally sensitive management and accept its responsibility to do a better job in the future.

¹ Ho'akea, LLC dba Ku'iwalu, *Mauna Kea Comprehensive Management Plan UH Management Area*, prepared for University of Hawai'i (Apr. 2009).

² Pacific Consulting Services, Inc., *A Cultural Resources Management Plan for the University of Hawaii Management Areas on Mauna Kea, A Sub-Plan for the Mauna Kea Comprehensive Management Plan*, prepared for Office of Mauna Kea Management (Oct. 2009).

³ Office of Mauna Kea Management, *2010 Annual Report to the Board of Land and Natural Resources Status of the Development of the Comprehensive Management Plan's Management Actions* (Apr. 8, 2010), at B-3.

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I would like to request a meeting with you about the issues raised in this letter and look forward to a timely written response. Should you have any questions, please contact me at kamanaoc@oha.org or have your staff contact Momilani Lazo at 594-1892 or momilanil@oha.org.

'O wau iho nō me ka 'ōia 'i'o,



Kamana'opono M. Crabbe, Ph.D.
Ka Pouhana, Chief Executive Officer

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