



MAUNAKEA STEWARDSHIP AND OVERSIGHT AUTHORITY (MKSOA)

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BOARD SPECIAL MEETING MINUTES

Thursday, February 29, 2023

9:00 am

Online via ZOOM and livestreamed via
YouTube

AUTHORITY MEMBERS

PRESENT, Zoom: Chairperson John Komeiji; Ben Kudo; Doug Adams; Paul Horner; Lanakila Mangaui; Bonnie Irwin; First Vice-Chair Noe Noe Wong-Wilson; Kalehua Krug; Pomai Bertelmann; Kamana Beamer; Ryan Kanaka'ole;

EXCUSED Members: Second Vice-Chair Rich Matsuda;

MKSOA SUPPORT: Jordan Ching, Deputy Attorney General (DAG); Pua'ena Ahn (MKSOA Executive Assistant)

Testifiers, Zoom: Oppose- Bianca Isaki, (KAHEA); Charles Flaherty; Shelly Muneoka, (KAHEA)

Testifiers, In-Person: Oppose- Cory Harden; Deborah Ward; Lanny Sinkin; Millicent Cummings

Testifiers, Written: Support- Gregory Ogin, (GO Commercial); John Waihe'e; Kūhiō Lewis, (CNHA); John Aeto, (The Kalaimoku Group); Susan Maddox, (Friends of the Future); John Morgan, (Kualoa Ranch); Celeste Connors, (Hawai'i Green Growth UN Local 2030 Hub); Emma Emalia Keohokalole; Duane Kurisu; Nainoa Thompson; George K. Yamada Jr.; Kamana'opono Crabbe, (Pouhana Consultation Service); Rob Kildow, (Hualalai Realty); Claude Onizuka, (Astronaut Ellison Onizuka Memorial Committee); John Monahan; Christoph Baranec, Jean-Gabriel Cuby, Paul Ho, Satoshi Miyazaki, Timothy J. Norton, John O'Meara, John Rayner, Doug Simons (Maunakea Observatories); Randy Kurohara, (Hawai'i Island Chamber of Commerce); Dr. Pualani Kanaha'e Kanaka'ole

Oppose- Todd Yamashita; Tamra Hayden; Jean Jewell; Jimi Caldeira; Shenell Caldeira; M. Kalani Souza; Motter Anne Snell; Bob Douglas; Hannah R. Hartmann; Sylvia Dolena; Thomas Reppuhn; Diedre Roney; KAHEA: The

Hawaiian Environmental Alliance; D. Green; C. Burghardt; Cory Harden; Janice Palma-Glennie; Jodi Mercier; Patricia Ravarra; Deborah J. Ward; Vanessa Ott; Regina Gregory; Shelley Muneoka; Lanny Sinkin; Cindy Freitas; Healani Sonoda-Pale; Clare Loprinzi; Shannon Rudolph; Charles Flaherty;

I. CALL TO ORDER AND WELCOME PROTOCOL

The meeting was called to order at 9:00 am. Protocol- Māhana Mai Ka'ū and mana'o by member Bertelmann on remembering the six districts of Hawai'i Island and taking on the work of protecting the Mauna with exuberance

II. ADMINISTRATION – Public Testimony taken (written or oral) on any of these items

- A. VOTE: Approve the hire of John De Fries as MKSOA Executive Director
- I. The Authority anticipates convening in Executive Session pursuant to Section 92- 5(a)(2), Hawaii Revised Statutes (HRS), to consider the hire of an employee. Chair Komeiji reviewed the day's agenda and sequence of events.

EXPLANATION OF HIRING PROCESS BY CHAIR KOMEIJI:

Hiring process included creation of Position Description by Board, position was posted in September through December of 2023. A total of nine applications were received. Screening committee included Members Horner, Bertelmann and former member Kaakua. A final four candidates were selected and interviewed by the full Board. In a subsequent Board meeting pros and cons were discussed, preceded by any prior existing relationships with candidates were disclosed in order to determine potential conflicts of interest and confirm the ability of all Board members to make an impartial decision. Salary range based on other comparable Executive Director positions within the State system.) Three year term of employment base on three conditions/agreements of hire: 1) At-Will Employment- both parties may terminate employment at any time with or without cause; 2) Employment contingent on adequate funding from the Legislature; 3) Executive Director subject to annual review. Also, position is exempt from Civil Service.

SELF-INTRODUCTION BY JOHN DE FRIES:

Born and raised in Waikīkī, lived in Kona for the last 32 years. Spent 3 years as head of Hawai'i Tourism Authority, understands the difficulty of running an agency such as MKSOA when understaffed, or without staff. Acknowledged other applicants and thanked all who submitted testimony both in support and opposition, and encouraged all to take the time to read them. Stated that as Mauna Kea moved to front pages, the Thirty Meter Telescope (TMT) issue forced everyone to do some soul searching. Had concerns about building TMT on Mauna Kea from

a development standpoint, developing in Hawai'i is tough, and attempting to develop on Mauna Kea is on a different level due to its sacredness. Those concerns were voiced to the TMT organization in 2015 and 2017. Moved by a preamble authored by Edith Kanaka'ole Foundation on the sacredness of Mauna Kea within the UH Comprehensive Management Plan to draft a memo to Kahu Kū Mauna regarding Hawaiian naming of astronomical discoveries, which has manifested into a naming program which continues today. Events of 2019 caused a rethinking of previous positions, and that in highly polarized situations it is in his nature to seek a third point in the equation. That third point emerged as the Mauna Kea Working Group, and subsequently Act 255 and MKSOA. The combination of all these factors led to his decision to apply for the position.

TESTIMONY:

Bianca Isaki, (KAHEA)- Oppose: KAHEA was initially opposed to the creation of MKSOA out of concern for an attempt by the State to move things toward Hawaiian community acceptance of TMT, hiring De Fries would only make that more plausible. While glad that De Fries walked back statements about TMT, he did not say why, only that he was trying to find a way out of polarization, however, which had been said previously but that he still believed both in the right of the kia'i to protest and that of the TMT to be built on Mauna Kea. Precisely how the State wants to frame the TMT issue, where people can say whatever they want but that it will still be built. In writing that Mauna Kea hanai'ed 13 telescopes, De Fries articulated the State agenda, not only to seek acceptance of industrial astronomy in a sacred place but to use the terms of culture and genealogy to do so. When culture is changed to fit a settler state agenda, that is colonial hegemony. Hokulia was a terrible project with a legacy of environmental damage and desecration, De Fries started in 2001 at the beginning of litigation, settlement phase was just as contentious and damaging for Hawai'i communities, and protests continued until 2015. Not well fitted for this position, hiring him will not assist in the work that is needed to do for Mauna Kea.

Charles Flaherty- Oppose: Compelled to testify against Mr. De Fries due to his listing of Kelly v. 1250 Oceanside Partners in his curriculum vitae. As a plaintiff in those proceedings, I am unsure why Mr. De Fries listed it as he was not responsible for it, neither directed nor facilitated it. Authority should not assume that his participation in the settlement negotiations qualifies him to be executive director. Not the person to assist the Authority in navigating the legal and political complexities of fulfilling its legislative mandate. Most disturbing thing about the settlement was that following Mr. De Fries's

departure, numerous provisions of the settlement were left incomplete. For example, iwi kūpuna were left under tarps for years and 1250 Oceanside did not complete court ordered actions and burial treatment plan despite the demands of the State Historic Preservation Division (SHPD). Discrepancy between description of Mr. De Fries's business on his curriculum vitae as project management and consulting, but listing according to Department of Commerce and Consumer Affairs states the purpose of his business to be real estate development and consulting. The Authority will be overseeing the most sacred wahi pana in Hawai'i in a very fraught and controversial situation, which would only be made more controversial and distrustful by De Fries' hiring.

Shelley Muneoka, (KAHEA)- Oppose: I've been working toward the protection of Mauna Kea going on 13 years now, as Mr. De Fries mentioned, this body came out of a legislative working group that produced a document called "He Lā Hou Kēia Ma Mauna A Wākea," however his hiring does not represent a new day as something different or something new, which is what this body has been touted as. He is a familiar face in real estate development and tourism circles and is welcomed by those who support those industries. But his hiring would be counterproductive as he does not have credibility or support in the broader community, the rift between those two groups, who hold different values and visions for Hawai'i's future is the rift that this body is supposedly trying to bridge. It was sickening to read "cultural sites and burial sites protection" on his resume, which is presumably a reference to his time with the luxury development Hokulia that disturbed over 70 sets of iwi kupuna. He helped to construct a six-foot wall around a pu'u to "protect" it while a 1500 acre development and golf course went up around it. It is tone deaf and naive to consider this a win. Our burials and wahi kupuna, like Mauna Kea, deserve to exist without the threat of encroachment looming over them. The example Mr. De Fries shared this morning, the A Hua He Inoa program which gives Hawaiian names to astronomical discoveries made on Mauna Kea is a prime example of an insufficient mitigation that does nothing to mitigate the harm of an industrialized summit with flattened pu'u. When I started to look more into Mr. De Fries' history and experience I found a person who is willing to sit at the head of controversial projects that divide our communities and will pay apologetic lip service, but plows forward anyway. And I don't mean that as a compliment. Someone who doesn't respect a community's "no" should not be at the helm of decisions for Mauna Kea, a sacred mountain, who is loved so deeply by so many. The leader of this organization shouldn't be someone practiced at taking the karmic hit of splitting communities and even families in the service of business as usual. His hiring itself

re-creates this well-worn fissure, with well respected kanaka on both sides of this decision. I don't believe it is too much for our community to hope for a leader who will not compromise on the safety and protection of Mauna Kea – Mr. De Fries, on the other hand, is on record in a 2019 HPR interview, saying he believes “Mauna Kea embraces modern astronomy and the construction of TMT.” Uncompromising and uncompromised, this is what we should strive for. This is my hope for a leader of this authority. Please reconsider the hiring of Mr. De Fries.

Cory Harden- Oppose: Mauna Kea is a sacred site to many people, it's a cultural site, a source of inspiration to many more, and is renowned throughout Polynesia for centuries. It's home to many endangered and endemic species, and is also the world's best astronomy site, putting it at the center of a struggle between conflicting visions for Hawai'i. Unfortunately Mr. De Fries's work background relates to none of this. He has built hotels and resorts, developed residential projects with resort perks, operated tour company resorts and marketed hotels and television sports. He's missing the work background that the director of this board should have, cultural concerns, natural resources, science and history. As you know, he was CEO of 1250 Oceanside partners, and they were shut down by a judge for building a high-end residential subdivision on agricultural land, and the community was also appalled as others have said, of the desecration of burials and damage to historic trails. Also twice, large amounts of soil ran off the site into the ocean, into class AA waters impacting corals, and community members say not all of the promised erosion measures were put into place. De Fries has said he supports the TMT despite the irreversible cultural and environmental damage it would inflict, and the tremendous community opposition. TMT bankrolled Friends of the Future, where Mr. De Fries was a board member, and Friends of the Future managed the Envision Mauna Kea initiative. I attended one of their sessions and felt it was slanted against protection for Mauna Kea. I unfortunately don't feel that Mr. De Fries will protect Mauna Kea so I urge you to vote no.

Deborah Ward- Oppose: I am urging you to reconsider the position of Mr. De Fries as Executive Director for several reasons, as Cory outlined just now, he was part of Oceanside 1250 which is responsible for desecration of burials and terrible decision to store bones under tarps, in garages and storage containers. Iwi kupuna deserve respect and this was not respectful. There was a famous Ala Loa trail that was taken apart and realigned so that golf courses could be put in place, terrible pollution discharges due to the fact that, as the Department of Health noted, the best management practices were not followed as they were stated in an agreement. So I have to ask the selection committee

that endorsed this nomination if they were aware of these serious issues, because Mr. De Fries has been a part of this company in a leadership position and is just as responsible for all of these damaging issues that really have been tearing our communities apart. I wonder if the selection committee actually believes that flouting State and County laws is inconsequential? Because it's not. Does that indicate that we can expect more of the same kind of behavior when it comes to addressing further industrial development in a treasured and vulnerable landscape? Given that the company that Mr. De Fries has filed for bankruptcy, how has the selection committee considered the fiduciary responsibilities of the MKSOA and the utilization of State funds authorized by the legislature? This is a concern. Mr. De Fries claims that he was part of Envision Mauna Kea but I know from personal conversations that many were excluded from Envision Mauna Kea even though they volunteered to join, and the report that came out was slanted toward the people that supported the development of further astronomy facilities on the summit region. Does the selection committee believe that massive community opposition to the Thirty Meter Telescope can be greenwashed through a manufactured mirage of consent? The whole idea that Hawaiians have hanai'ed the telescopes gives indication that Mr. De Fries believes that by stating consent that he can manufacture consent. And then what relationship does Mr. De Fries have with Mr. Gordon Moore? He's pictured in a powerpoint presentation standing next to Gordon Moore as a "kupuna titan of innovation," maybe Mr. De Fries would like to be a titan of innovation but this is not the way to do it. What relationship does the nominee have to the University's collaboration with the military to use telescopes on the Mauna? These answers need to be discussed in public forum, and until they are I request that the selection be reconsidered and deferred at this time.

Lanny Sinkin- Oppose: There is no question that the controversy surrounding the historical mismanagement of Maunakea is one of the most divisive issues facing our community. The most recent manifestation of that mismanagement is the proposed Thirty Meter Telescope. The most recent legislative response to this Mauna issue led to the creation of the Mauna Kea Stewardship and Oversight Authority (MKOSA). See Act 255. One of the first MKOSA acts was to select and confirm an Executive Director. That selection should have been guided by criteria that acknowledged the seriousness of the controversy. The process of selection should have been transparent. Public participation in the selection process should have been encouraged and facilitated. The Executive Director selected should have been someone whose objectivity and neutrality was unquestionable. The Executive Director should have been of the

highest integrity. Unfortunately, these basic requirements to ensure the selection of an Executive Director with broad public support did not guide the selection of John De Fries to be the Executive Director. The most contentious issue is the Thirty Meter Telescope. Mr. De Fries is a supporter of constructing this newest telescope. For the MKOSA to choose an advocate for this telescope as Executive Director is clear evidence of a predetermined bias on the part of MKOSA. That choice is a slap in the face to the thousands of people who gathered to defend the Mauna from desecration. The absence of even the pretense of objectivity is confirmed by the selection process. The names of possible candidates were never released. Most discussion of the selection took place behind closed doors in executive session. Minimal advanced notice of the choice left little time for the public to research Mr. De Fries. Mr. De Fries relevant professional history raises other red flags that should have been disqualifying. He was President of 1250 Oceanside Partners, a failed development that polluted Kealakekua Bay and ended in bankruptcy. A judge found that 1250 Oceanside Partners circumvented state land use laws. The choice of Mr. De Fries means that the MKOSA is a captured agency prepared to make decisions that promote private interests rather than the public good. The MKOSA should engage in a true search for the most qualified candidate that involves the public, with a particular focus on meeting the expectations of the Hawaiian community. I also want to take note that I believe some people got an early notice of this meeting and I believe that some people got an early notice of this meeting, where people had begun sending in testimony before the six day notice had begun, and I'm not sure why that happened but it certainly shouldn't happen again.

Millicent Cummings- Oppose: I think the last person to give testimony, if you were to just take one testimony only and try to really examine the details therein, you would have enough grounds to not move forward in the employment of this gentleman. To make a one-minute summary, any discussion on the development of Mauna Kea is nonsensical because industrial astronomy on a sacred site is nothing shy of a neocolonial land grab that has in the past, does now, and will in the future will be destructive, insulting, unnecessary and offensive. Based on Mr. De Fries track record and glaring conflicts of interest, which are clearly not being taken into account in considering his employment for this position It would be willfully negligent and only further the wedge that divides both the conversation and the parties involved, essentially running contrary to the mission of MKSOA, or anyone else, to bridge this divide in any way shape or form. The digestion of year after year of these insulting and yet revealing attempts to do something that should never be done is as tiring as it is

nonsensical.

DISCUSSION:

1st Vice-Chair Wong-Wilson: Thanks to all testifiers on zoom and in-person. Questions for JDF- Response to 1250 Oceanside remarks on your tenure treatment of 'iwi kūpuna and cultural resources.

John De Fries: I started at Oceanside as a consultant in Dec 2000 after being asked by 3 different people, including Sam Choy and Herb Kane to meet with ownership and spending a month investigating the project. Lawsuit Filed in December of 2000, in January 2001 previous president announced resignation as of June. Following passing of maternal grandmother, identified burial place of own great grandmother as being on Hokulia lands, became intent on becoming the next president of that company. Convened a meeting of approximately 40 family members on the site, who decided unanimously to support pursuing the position. Appointed in June 2001 as acting president, and 6 months later as permanent, and therefore became responsible for everything that had gone both right and wrong prior to the lawsuit, which itself lasted 5.5 years. Having your own great-grandmother there was a lifechanging event and imposed certain natural standards of conduct. Everything we did with iwi kupuna was done with lineal descendants and kupuna involved, and was guided by Lily Kong. I take full responsibility for everything we did there. Did we make mistakes? No question. At the same time I stand today in full responsibility of any action that we did or did not take, and I call on us to resist the temptation to retry the case. The plaintiffs and their attorneys came to a settlement agreement, there is very little use in going back to try the case other than that the project has moved forward. I will tell you that once we settled in April 2006 and remobilized the project in late 2007, the global financial collapse happened, then bank that held the note on the project no longer exists. So we were able to sustain enough of the project enough through the foreclosure in that it would one day be able to move forward and it is moving forward under new ownership. And it isn't only what we did but why we did it, and folks who don't know me can have an account of what I did in court records, media and secondhand information, what you can't understand until we get to know one another is why I'm compelled to do things. I did not take that job with blinders on, but I took that as an opportunity to insert Hawaiian values and Hawaiian leadership. I don't expect everybody to celebrate what we did, but I'm actually proud of what we were able to accomplish.

1st Vice-Chair Wong-Wilson: In many conversations today from our testifiers is the TMT project. The development of MKSOA is in such a place of infancy that those words are not even uttered in official meetings. If the Board takes a position that is not aligned with your personal feelings and mana'o about a project or any actions that need to be considered, how would you conduct yourself in carrying out the work of the Board?

John De Fries: I'm sorry I wasn't clear in my opening remarks but the background I gave about my feelings about modern astronomy, TMT, ultimately recognizing that there is a polarization, my interest in finding a third point, position or perspective and recognizing that the Authority, through the law Act 255 was a third way to do it, which is to have a board develop the framework under which any of that activity would or would not move forward. At the point of deciding to become the Executive Director, my own personal positions are released, and my responsibility is now focused on the mana'o of the twelve. I have complete confidence that the twelve minds, as diverse as they are, will actually result in an outcome or a direction that is far more powerful than anything I could do, or any single individual. So specifically to your question, I have no position on this and I'm prepared to serve the twelve member Board.

1st Vice-Chair Wong-Wilson: You made a statement in your introduction about MKSOA and its relationship to promoting astronomy, so I just want to make a statement that for me the value of the MKSOA is that the emphasis has been shifted away from this polarizing issue of astronomy on the Mauna and more toward the fact that we are obligated to protect Mauna Kea for future generations, to take care of Mauna Kea and all its dimensions, and that as much emphasis if not more should be placed on the environment, the species up there, education and all the other components that are equally if not more important than the presence of astronomical facilities. Recognizing of course that Act 255 does state that astronomy shall continue, that we're compelled to comply with as a Board, so I just want to make sure that you're very clear about the mission of this Authority and the framework that we have to move forward in.

John De Fries: I fully concur and I go back to the working group's report and how important that work is and ultimately Act 255, and I fully concur with the description and the emphasis that you placed on the Authority's mission

Member Beamer: I have read all the written testimonies, mahalo to all who made the time to testify in person. Mauna Kea deserves all of our

presence, mana and mana‘o, many of us have been giving that for many years. The testimonies really do highlight some of the complexities, we have esteemed kia‘i Aunty Pua and others supporting you John, and we have kia‘i and others also saying this isn’t a choice that will bring a new day. Some of the previous history and work that you’ve done, people have called into question. I aloha you, none of this is personal, so please understand that I’m just trying to ask questions that this Board will be faced with in the future. The Executive Director position is such a hard job, we have inherited mismanagement and poor decisionmaking for over 50 years, although we weren’t here making those decisions, we’ve inherited that and we’re trying to ho‘opono, to ho‘opololei, the constitutionality of the Authority is being challenged, there’s lots to juggle. A lot of the questions were around your support of the TMT, some of those past efforts, and actually many of us on this Board weren’t on the same side of that particular issue. I wanted to get your thoughts on something that was just as critical and important, is during that period, what the hardest thing for me was the divisiveness that became of our community, and the particular argument that this was “culture vs. science.” We had wealthy people in our community saying that this was primitive, and taking us back into the past. Many of us are experts in education, and advancements in sustainability, those were not the issues that we opposed dealing with Mauna Kea and TMT. I was really hard for me to hear those things John, so much so that I had to address it. How will you as a leader reconcile such arguments, and how are people going to trust you?

John De Fries: Back in 2007-2008, I sat in on the first class of Papakū Makawalu that the Edith Kanaka‘ole Foundation and Kamehameha Schools were developing. I left that session with a better understanding of how scientific our ancestors were and that science could be conducted in natural systems, and how it can be done non-invasively. What came to mind when I left that day was at what point do those principles, that awareness, that consciousness become embedded in land use management and policies. That’s what resonated when I read He Lā Hou Kēia, the Working Group’s report and all these years later saw those ideas come together and emerge as an operating framework for this body, which is very unusual as a State agency, but nonetheless that was part of the attraction [to this position]. Over the years I have been part of those conversations, and every engagement with somebody who’s advocating that culture and science debate, to get them to understand you cannot have more than 400 names for clouds and more than 300 names for rain and have no value in a time when climate science is upon us, and the challenges we have to deal with. As I said, part of the attraction to this [position] is the opportunity to create a new paradigm built around the principles that have been set forth in the

working group's report and the way it's been framed in Act 255. To your earlier point about good people on one side in opposition to my selection and good people on the other side advocating for my selection, the truth is they're both right, and a characteristic of those who oppose my selection is related to the fact that we don't know one another, and I hope to have the opportunity to engage face to face directly, especially with those in opposition. The one who have endorsed my selection have known me for 20, 30, 55 years and I understand that, but the reality is that they're both right, the qualities that they question or they endorse. Nothing but direct engagement is going to remedy that. 25-30 years ago, if I had sat through this morning's testimonies I would be filled with resentment and be emotionally upset. I'm not. We cannot take that kind of feeling and accomplish the mission we have in front of us as an Authority. And so, I embraced everything I heard today, I've arrived at this moment in time realizing that my learning curve is vertical, we live in a time, not just with Mauna Kea, where learning curves are vertical and there's so much to learn and consume.

Member Beamer: Mahalo, I appreciate that, that he also he also is important, and I think that your coming in with significant experience from Hawai'i Tourism Authority, and I appreciate the work you did in trying to reframe thinking around regenerative tourism, so I know you understand big structures and the legislature and politics, which will be important for this. I think you mentioned how difficult it is to start from the beginning, we literally had zero staff, and Chair Komeiji and Vice Chair Wong-Wilson have done tremendous work. It's not certain what will become of this entity, there's a lot of distrust, the community has every right to be skeptical, and we're volunteering our time, taking time away from our families and our regular jobs to try to do something better for Mauna Kea. I just want to articulate that taking on this position regardless of previous roles requires a different way of doing things, not about culture vs. science, it's about Mauna A Wākea and the future of the Mauna, and there should never be a time in the history of Hawai'i where we sit back and allow us to be called primitive because we're trying to care for our mountain. I would refute that as long as I live, and I would expect the leader of this to be able to negotiate that and speak the truth to power on these kinds of issues.

John De Fries: I appreciate that, because your mana'o makes me recall in my late 20's, an executive, after a presentation of mine, came up to congratulate me, and then said, "don't ever forget that people are going to be more comfortable seeing you Hawaiians carry an ukulele case than a briefcase," so we've all grown through that web. And I knew in that moment that was meant to be a gift, that this bias is inherent. As

my resume says, I did not earn a college degree, tourism for me became the college. If you think of tourism as a papaya, and you cut it in half and open it up, and all the individual black seeds, are architecture, IT, restaurant operations, accounting. It became a school that I went to, to become multidisciplinary, and it fundamentally challenged that premise. That statement has stuck with me, obviously, and that kind of stuff continues to motivate me. And part of my attraction in applying for this role is the complexity.

Member Kudo: How do you perceive or characterize your role as Executive Director, and the role and responsibility of the Board?

John De Fries: Policy making by the Board, those policies would then govern the actions that we take. So operationally I and the team would be charged with moving forward with the policies. I am looking forward to spending individual time with you all to see what compelled you to become a Board member, to understand at the outset beyond just policy making, what ideas and perspectives you have in this. But historically the role between executive staff and the Board would be one being policy driven, the other one being responsible for operating what would be an agreed upon operations or management plan.

Member Kudo: In other words, implementation of the policy. The testimony this morning and others that were submitted raised your personal position on TMT as an issue, do you believe that your role as an advocate for TMT is to advocate that to the Board?

John De Fries: No, if I understand your wording correctly, my role is not as an advocate of TMT. When I decided to apply for this role, what I was becoming an advocate of was Act 255, and astronomy is one section of that, as was pointed out by Noe Noe earlier, but I don't see my role at all as an advocate of TMT, that's not the function of the Authority.

Member Kudo: So back to the first question, then the role of the Board will be to decide its position on TMT, and your role is to carry out whatever decision that may be. With regard to your alleged mistreatment of Native Hawaiian cultural artifacts and 'iwi at Hokuli'a. What is your position or feeling on the treatment of cultural artifacts and other significant Native Hawaiian issues affect, or are located on the Mauna?

John De Fries: Artifacts and anything culturally related would need to be treated with the utmost respect, our efforts in addition to whatever the Board policy is would be guided by experts in that particular field,

whether that involves 'iwi kupuna or artifacts, but if I understand the wording of your question correctly, they deserve the highest level of honor and respect that we can give to them. The Board will foster a policy about it, the state has laws about it, but also we have lineal descendants to the mountain that have strong feelings about it as well. I see my function as being able to be open to all that guidance, and then return to the Board and return to the community with recommended steps that we take

Ben: So your perception is that you would gather information, get expert advice on it and bring that to the Board for its opinion on what action should be taken or not taken?

John De Fries: That would be accurate.

Member Magauil: Mahalo for stepping up to the plate, that's something that I always want to recognize too, is that the formation of this new Authority, a new office, is something that's apparently even out of practice for the State of Hawai'i itself. So it's a big endeavor that we're learning about, of the lack of knowhow of actually making this process happen, which has [dragged] it out, and why it's essential that we find someone who is key in helping us actually get this office stood up. Going back to one of the concerns raised with Hokuli'a, in your opinion if the statement was true or not, in the treatment of 'iwi kupauna under a plastic tarp, if you were aware of that, how long were 'iwi were in such a position, if you were a part of remedying that? What was your process, if you were involved in finding out, to care for them?

John De Fries: The issue of the tarp was one that took place after I left, but it was a practice when 'iwi was found to leave in place and cove with a tarp to protect it until an agent from SHPD could arrive. And then once a determination was made by the agent, the appropriate action would be taken. During the time I was there, we had set up a facility where the 'iwi, once we were given permission to move, would be temporarily stored. But I don't recall that particular incident, there would be no reason to leave 'iwi under a tarp for a prolonged period unless there was an uncertainty expressed by DLNR about how to proceed. But that particular issue that was raised today, I'm not suggesting that that 'iwi wasn't found when I was there, but I think if I understood correctly, that matter took place after I had already departed, which would have been about April 2012.

Member Mangauil: Some of the concern that's been brought up is that of your background being predominantly in tourism and development, as such. With so much of Mauna Kea being conservation land, and

perhaps as some have pointed out a lack of experience working in this type of capacity. As a kanaka, and representing the cultural role here, conservation as a practice being probably the one thing that falls in line with our own cultural practice on the Mauna and that it was to be held in the highest regard, where conservation should be lifted up even higher than the average whim of humanity, where the care of these types of conservation zones and lands is superior. Some would state that it is an anomaly to allow large scale developments within such spaces. Knowing that, and for all the reasons that they are conservation lands, the high alpine desert ecosystem, the fragility of the environment, native species, cultural sites and all of this. Being someone who has a background in development, I can see how the community is uncomfortable with this. Astronomy aside, even down makai or in the forest regions, what are your thoughts on large scale construction in conservation zones?

John De Fries: Going back to when I first read the Working Group's report and ultimately Act 255, which tries to frame it, the act itself doesn't contain the depth that the report has. You brought this up in the interview process, about the need for a conservation plan that is comprehensive for the Mauna, for every reason that you pointed out. Late last night I got an email from Aunty Pua Kanahale that goes to great lengths talking about the strata, the different levels on the mountain, and that kind of intensity. I think you resonate with that, but essentially, there is no more important work to do on the Mauna than maximizing the conservation efforts in that zone. The fact that the act puts whatever astronomy is going to be, is going to be defined by this Board going forward. Going back to the conversation with Ben about policy, you've been a strong advocate for conservation from day one, you were always years ahead of yourself in that respect, but you will decide how the staff will proceed in prioritizing conservation efforts, and in many respects we're starting from square one on that.

Member Krug: I don't want to belabor the points of the testimonies, I'm not too concerned about the opinions you hold in accordance to the decisions we have to make. I think there's a little bit of that trust in the impartiality of the information that will come to us as a Board. I've been on other commissions where the transmission of information is difficult because of the impartiality. So I would say that's one of the concerns in the work and in the position that I'll carry. One of my concerns aside from that was really about our efficacy and legitimacy as an Authority, a big concern is the optics [of hiring you]. I want you to talk about the optics and the picture that seems to be being painted about potentially having you work with us as it pertains to work you've done in the past and the opinions you carry. Would it benefit our

Authority to have someone with you capacity? Which is not what I'm questioning, I know you have high capacity. Would it benefit our work as a hui, because the optic is a part of how we're seen, and then our value to our community? Tell me why having you as our ED would be beneficial to us versus not having somebody with what some of the community members perceive as baggage?

John De Fries: Let's take 1250 Oceanside, there have been several references to that and Hawai'i Tourism Authority as another example, I have a lot of experience and a lot of confidence in being able to bring people with disparate and divergent perspectives together. Much of that over time has refined itself, because I'm at a point in my life where I don't have to be right. Remaining open and subordinating your agenda to becoming a better listener and to be able to translate. The imagery I used in my interview was of the 12 Board members sitting in a circle, as a star compass, where each of you has a coordinate, or a range of coordinate that you excel in. I have confidence that I would be able to translate in a meaningful way. At each one of those steps, bringing people together under tough circumstances, has been a craft that has been honed, including at HTA. If the economy had not collapsed in the summer of 2020, I would have never applied for HTA. It was disruptive to my life in Kona, to have to commute. As soon as I internalized that the economy had collapsed, tourism was shut down, our people were getting hurt, granted there were Federal subsidies but that wasn't going to go on forever. That prompted me to take that action, and frankly people questioned why I would step into that. But the one thing I knew at that point, was that if you were a leader in our state, a leader in our communities, you were on the front line when COVID broke out, and that formation was very unique, and that formation would be really important in guiding the recovery. I didn't take that role on because of tourism, I took it on because our home was hurt and our people were hurt, and I understood the mechanisms in tourism, to value that as an instrument in the recovery. So in the end you've got to be able to pull a lot of people with different feelings under high stress levels together, and I see that as an important part of the work here with this Authority. And that's part of the attraction, is the complexity, and the ability to move it from polarization to collaboration, knowing full well that that work moves precisely at the speed of trust. In the absence of trust we make no progress. I feel called to this moment, otherwise I wouldn't be wasting yours or anybody's time on it. This is urgent, and there's an opportunity here. That polarity creates this revolution, this rotation that can be extremely constructive and productive.

Member Kanaka'ole: About operational concerns in the short term,

when someone applies to this type of position to be the head of an agency, that person has typically thought of a plan of action on what they would do when they get into the position, whether it would be the first 100 days or so. For this Authority, since we're so new, and there are so many people watching and expecting results to have occurred yesterday, can you please articulate for the Board's benefit and for the public's benefit, what your immediate plans are to stand up this authority and get results?

John De Fries: Let me just focus on the first two weeks there. It's going to be extremely important to get time face to face time with the Board, and to come out of that experience with some initial recommendations. You've got 5 authorized positions, it's going to be essential to identify candidates and then to get into a review and hiring process, because the weight that you're carrying is going to be somewhat supported by the arrival of the executive director, but even that additional person is going to need if not all 5 positions at least the first 2. Out of that 2 week experience I'll be able to discern what the priorities should be over the following 90 days and come back to you with that recommendation on it. I can tell you that Center for Maunakea Stewardship is anxious, and has been very professional in reaching out, but before going there, there's some internal onboarding needs to be completed so that I have a semblance of where the Board is. I know that there are several PIGs, but internally I need to absorb that into how my first 100 days are going to be spent and communicate that to you.

Member Kanaka'ole: I would expect that a lot of the work of the PIGS will likely be a big part of your responsibility and the staff's responsibility.

John De Fries: I don't want to overplay the tourism piece, but part of the experience is when one day you're a construction site, the next day you're a hotel. In between you've got to get the first 200 people hired. So that kind of experience, of being able to do that, in the private sector you certain resources and methods that we can use, that we cannot in state government completely, but that transition of going from zero employees, to 200, to 400, that experience will be helpful.

MOTION: Member Horner moved to approve the hiring of John De Fries pursuant to the agreement set forth prior. 1st Vice-Chair Wong-Wilson second.

RECESS AT 10:49 AM, RETURNED AT 10:54 AM

DISCUSSION:

1st Vice-Chair Wong-Wilson: It's a challenge to know that so many of our *kia'i* are not in favor of this appointment, but as Board members we really have to look at the picture and see what we need as an Authority right now. I think the fact that John [De Fries] comes with other attributes, administrative and management skills and networks that he comes with, his ability to work within and understanding of State government, including Legislative process, which is key to what we need right now. He made reference to the opening of a hotel versus a mature resort operation is so true. Right now we are in the building mode and we need particular skills, and I think that John [De Fries] comes with those skills. What brings me comfort is that this is an exempt position, an at-will hire if we as an Authority decided that this relationship does not work, we have the ability to end it. We're not obligated to a particular period of contract, that we would have to live with until that contract expires, and John [De Fries] on the other hand has that same right to decide that this is not a fit for him, and he can then depart if that were the case. Given those things, those are important for me to make this decision.

Member Horner: In many ways, John's career, I've known him for a long time is something I've tried to emulate. You work your way to a certain point in your career, and you get to this point, like when I worked at Keauhou Beach and became general manager, you start thinking more about what you can do for the community as well. And I think John [De Fries] has that same mentality as well, moving up into a higher level gives you more opportunities to reach more people in the community and help them. What I've learned from other people in the community and John [De Fries] as well is that if your community isn't healthy, your business is not going to be healthy. I feel strongly about John [De Fries]'s inner workings, and everything is focused on culture and his family, Hawaiian family and genealogy. I truly feel without fear, because John [De Fries] has told you today, the Executive Director doesn't control what happens with TMT, it's the 12 Board members that vote, and the Executive Director executes our mission. We just need somebody that is willing to work with us, and I can't find anyone else better than John [De Fries] to be the person right now. I followed John [De Fries] for many years, he's one of my role models, to be honest with you.

Member Kanaka'ole: We have a very short time horizon for planning and implementation, 2028 is going to come quicker than we think. We're a startup, we have one staff right now, and what this Authority needs is someone who experienced in running very public state agency, a very new agency, and can get it running. Although I'm only in my second meeting as a Board member, I am familiar with the application process for Executive Director from when I was counsel for this Board. I know the work that went into the solicitation process, the vetting of the applicants, so I'm comfortable with making a decision today, and I respect the concern of the opposition. But it's

important to emphasize that the Executive Director is an at-will position, subject to the evaluation and oversight of this Board. I also want to emphasize, and John [De Fries] has already answered this question from Member Kudo, that the Executive Director implements what this Board decides. Additionally, there's another layer of oversight to that, the Board of Land and Natural Resources is the current landowner and future partner in stewardship, and will continue to exercise oversight on the regulatory issues regarding the Conservation District and the use within the district. So there's multiple layers of oversight and accountability in place, so that makes me feel comfortable that we're not going to be straying into those concern realms that were raised. For those reasons I believe that Mr. De Fries is qualified to help stand up this Authorities and implement the actions and policies of this Board.

Lanakila: I always want to speak to and remind for us all that this Authority, although it came out of the Legislature, the process that started this, it was not the Legislature that caused change change, and opportunity for change, it was the people. It was the people who gathered, it was the people who stood, those of us who ran up mountain. That's what initiated change, and that fight, even before on the road, there's many who fought for the Mauna for a long time and were ignored, or steamrolled over. And it took the people rising up on two major occasions that eventually initiated and forced the hand for something to have to change. The initiation of this Board is one step, or one path in that process that came from the movement of the people. To hear our community voices, we can see many organizational voices, but many of those organizations were not on the Mauna, but we hear the people. I feel very uncomfortable voting today, as we know this Authority is change, and change is never welcomed very well by all parties. It is an uphill battle with different struggles and uncomfortable decisions to be made. But of course, we are looking for the long term goal, and so it's a very challenging space to be but also understanding the processes that we need to be moving on. As I've mentioned earlier, the State is very slow in its processes, and unpracticed in how set up agencies and offices. We've learned in the last year how difficult it is to make something happen, so there is that need, and I mahalo everyone on this Board who's been going up and over and beyond to do legwork, and we're all volunteering here. I want to put it on record that I was quite surprised at how few applications were received on something that so many of us fought for, for so long and is so pressing for our communities. I do mahalo the few that applied. So in knowing the work that's ahead of us, I do also breathe in that it is the breath of our Lāhui and our community is what sustains us. It's already been raised that the perception of this hui is already challenged. I myself am in the realm of Kanalua.

Member Beamer: I echo all the comments and sentiments, I mahalo

John [De Fries], this is a big task and a big lift. I mahalo all the testimonies, and I echo what Lanakila is saying, we're ultimately going to be accountable to the voice of the Mauna, and the Lāhui and the people. I do want everyone out there to understand, we only have a certain amount of applicants, people who were willing to try to take on this task, which is monumental. I get the rightful historical trauma we have around a better future for Mauna Kea. I have the doubts for myself, how is this all going to work sometimes. Even while I'm volunteering time time away from family to PIGs and working groups, to get this all established. In my time on the Water Commission, [I saw] water drained and starved from communities for generations. I went across Hawai'i and saw tremendous warriors and aloha 'āina that were fighting for water that their tūtū guys started and never saw. Something we did there was to try to get runs on the Board, do something different to show that the Commission could operate different. You know John, we all have our baggage, I'm going to vote to support you and this appointment, given the circumstances but with all the leo and mana that I have, this is so important to get it right for out people and our community, and to try to do something different and better for the Mauna. So we have to get past the old rhetoric, and stand for a more just future for our Mauna together. Not easy to do in the confine of this structure. We all understand the legacy of injustice on our 'āina and our Kingdom, and where we are today. I read to Aunty Pua [Kanahele]'s testimony, she said she's 100% behind you and she's known you for 40 years, I respect that. I'll be voting in support and look forward to working together.

Member Krug: In hearing everything that everybody has shared, my biggest concern is still the optic, it comes across as the perpetuation of the status quo. That's a big concern for me because we're supposed to look differently, so unfortunately in my own mind, what Lanakila was sharing, we've gotten here because of the people and there are some voices out there that shared their opinions for us that I feel need to be acknowledged and heard.

Chair Komeiji: The word trust has been uttered many times during the last couple of hours, is what we're about. We have to establish trust with the Lāhui, the community, we have to establish trust with each other, with John [De Fries] if he gets selected, and that only comes with time, kind of what John [De Fries] alluded to, when we get to know each other better. Part of the reason we're doing this the way we are is so that we can communicate why we're doing what we are doing, what people are feeling, and what we're feeling, so that people can better understand us and start toward the road of trust. I'm confident about John [De Fries]'s ability to work in very split, contentious type of atmospheres, that he will have the ability to build trust. At the same time I'm hoping that all of us will be able to build trust with him. And that we as a body are the one that are going to

determine direction, and if we find that John is not following that direction, we do have a recourse. I don't think that's going to happen, but I think that we will be able to monitor and make sure that whoever it is, is acting according to our direction. I can tell you that if someone came in with a different perspective we would have the same issue if that person was not following the direction of the group [MKSOA Board]. It is incumbent upon all of us to make sure we are going down the road as a collective group. We have a responsibility to each other as well, once we decide we're going as a group, we cannot have guys floating outside of that. That's part of being part of a team, just because things aren't going your way you can't just say "I'm gonna take my ball and go home." It's a learning process and an experience, a year ago I didn't know any of you. Part of the reason I keep on harping about Sunshine [Law] and how that is decreasing communication when we should be increasing communication. Increasing communication is the way that we're going to move forward. With us and John [De Fries], with us and the community, that's the way we're going to move forward. I'm not focusing on his experience as a tourism guy, just thinking about several months ago at HTA, having to bring people together to ultimately have a new direction, that experience is what we need. At the end of the day, all of us have the responsibility to decide the direction we're moving in. With that, I will be voting to hire him as Executive Director.

Statement From Member Matsuda [read by Chair Komeiji]: I regret missing this meeting due to a prior work travel commitment. The MKSOA Executive Director must have strong experience to lead through complex to lead the organization through a very complex, time constrained transition. And they must also be in the middle of a community of widely diverse, deeply held perspectives about Mauna Kea, which requires the courage, will and experience to engage. In our Board's recruitment process, John De Fries has emerged as the clear choice for me and I would support his hiring.

ACTION: Chair Komeiji called for vote at 11:15am, Roll Call Vote. Member Bertelmann unable to participate in the vote due to having class.

Chair Komeiji: YES
1st Vice-Chair Wong-Wilson: YES
Member Horner: YES
Member Krug: NO
Member Kanaka'ole: YES
Member Beamer: YES
Member Kudo: YES
Member Mangauil: NO
Member Adams: YES

MOTION CARRIED. (7)-YES; (2)-NO

Next Regular Board Meeting on March 14; Community Talk-Story on March 13;

III. ADJOURNMENT

MOTION: 1st Vice-Chair Wong-Wilson moved to adjourn. Member Horner second.

ACTION: The motion was approved unanimously.

Meeting adjourned at 11:18 am.

Approved _____

DRAFT