

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

September 25, 2015

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

**SUBJECT: DENIAL OF PETITIONS FOR CONTESTED CASE HEARING
RELATING TO THE ADOPTION OF EMERGENCY RULE § 13-123-21.2 HAWAII
ADMINISTRATIVE RULES, ON JULY 10, 2015 FILED BY:**

- 1) MICHAEL KUMUKAUOHA LEE; AND
- 2) ANDREA DeCOSTA

This submittal is a request that the Board of Land and Natural Resources (Board) deny the petitions for a contested case hearing filed by Michael Kumukauoha Lee and Andrea DeCosta. These contested case petitions were received in connection with the July 10, 2015 Board meeting, at which the Board adopted emergency rule § 13-231-21.2, Hawaii Administrative Rules, that established a restricted area, within which certain items are not allowed, and restricting access between the hours of 10 p.m. and 4 a.m.

BACKGROUND:

On July 10, 2015, the Board approved the adoption of emergency rule § 13-231-21.2, Hawaii Administrative Rules that provides:

§13-123-21.2 Prohibited activities.

- (a) The area referred to in this rule as the “restricted area” is defined as any lands in the public hunting area that includes the Mauna Kea Observatory Access Road and one mile on either side of the Mauna Kea Observatory Access road.
- (b) As used in this rule, the term “transiting” means operating, or being a passenger in, a motor vehicle travelling at a reasonable and prudent speed and having regard to the actual and potential hazards and conditions then existing.
- (c) No person shall at any time possess or control in the restricted area any of the following items: sleeping bag, tent, camping stove, or propane burner.
- (d) No person shall enter or remain in the restricted area during the hours of 10:00 p.m. to 4:00 a.m., unless the person is transiting through the restricted area on the Mauna Kea Observatory Access Road or is lawfully within or entering or exiting an existing observatory or a facility operated by the University of Hawaii.

Prior to the end of the July 10, 2015 meeting, Michael Kumukauoha Lee made a written request for a contested case hearing and filed a written petition on July 15, 2015. (Ex. A) Andrea DeCosta did not make an oral or written request for a contested case hearing prior to the end of the July 10, 2015 meeting, but filed a written petition on July 20, 2015. (Ex. B)

DISCUSSION:

This submittal recommends denial of the contested case petitions because a contested case is not required by law.

A contested case hearing is one where the “legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for agency hearing.” Hawaii Revised Statutes (“HRS”) § 91-1(5). This definition has been interpreted to mean that a contested case is an agency hearing that is 1) required by law and 2) determines the rights, duties, or privileges of specific parties. *E & J Lounge Operating Co., Inc. v. Liquor Comm'n of City & County of Honolulu*, 118 Haw. 320, 330, 189 P.3d 432, 442 (2008).

A contested case is “required by law” if the statute or rule governing the activity in question mandates a hearing prior to the administrative agency’s decision-making, or if mandated by due process. *See Bush v. Hawaiian Homes Comm’n*, 76 Haw. 128, 134, 136, 870 P.2d 1272, 1278, 1280 (1994). The petitioners seek a contested case hearing to challenge the emergency rule adopted by the Board. There is no statute or rule that requires a contested case hearing to be held in connection with rule making by the DLNR. Nor do the due process clauses of the state and federal constitutions provide a basis for a contested case hearing.

The contested case procedures set forth in the Hawaii Administrative Procedure Act (“HAPA”), chapter 91, HRS, do not apply to an agency engaged in rule making. A rule is defined as an “agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any agency. The term does not include regulations concerning only the internal management of an agency and not affecting private rights of or procedures available to the public, nor does the term include declaratory rulings issued pursuant to section 91-8, nor intra-agency memoranda.” HRS § 91-1(4).

“Rule-making is essentially legislative in nature because it operates in the future; whereas, adjudication is concerned with the determination of past and present rights and liabilities of individuals where issues of fact often are sharply controverted.” *Application of Hawaiian Elec. Co., Inc.*, 81 Haw. 459, 467, 918 P.2d 561, 569 (1996), *as amended* (July 11, 1996). “Rule-making is an agency action governing the future conduct either of groups of persons or of a single

September 25, 2015

individual; it is essentially legislative in nature, not only because it operates in the future but also because it is concerned largely with considerations of policy. In rule-making, disciplinary or accusatory elements are absent.” *Pilaa 400, LLC v. Bd of Land and Natural Resources*, 132 Hawai‘i 247, 265, 320 P.3d 912, 930 (2014) (citing *App. of Hawaiian Electric*, 81 Haw. at 468, 918 P.2d at 570.)

The Board’s action in adopting emergency rule § 13-231-21.2 did not involve the determination of individual property interests. Instead, the Board adopted a rule that proscribed future conduct of the general public which was based on considerations of policy.

Based on the above, a contested case is not required to be held.

RECOMMENDATION:

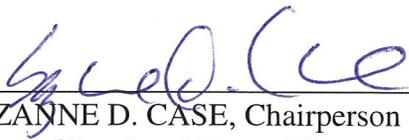
That the Board deny the Petitions for Contested Case filed by Michael Kumukauoha Lee and Andrea DeCosta.

Respectfully submitted,



SCOTT FRETZ, Acting Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

OFFICIAL USE ONLY	
Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board Action Date to:
 Department of Land and Natural Resources
 Administrative Proceedings Office
 1151 Punchbowl Street, Room 130
 Honolulu, Hawaii 96813
 Phone: (808) 587-1496, Fax: (808) 587-0390
- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.
- All materials, including this form, shall be submitted in **three (3)** photocopies.

RECEIVED
 2015 JUL 15 AM 11:31
 DEPT OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Michael Kumukauoha Lee	2. Contact Person Michael Kumukauoha Lee	
3. Address 91-1200 Keaunui Drive, Unit 614	4. City 'Ewa Beach	5. State and ZIP 96706
6. Email keaweaweulaokalani@gmail.com	7. Phone 683-1954	8. Fax None

B. ATTORNEY (if represented)		
9. Attorney Name Pro Se	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

C. SUBJECT MATTER

17. Board Action Being Contested

The Board approved the adoption of Hawaii Administrative Rules, Chapter 13-123-21.2, Prohibited Activities, for portions of Public Hunting Areas, Units A and K, Mauna Kea, Island of Hawaii,

18. Board Action Date

July 10, 2015

19. Item No.

C-2 Request For Approval to Adopt a New Section Under Hawaii Administrative Rules As Title 13 Chapter 12
3 Section 21.2 To Restrict Use of and Access to Portions of Public Hunting Areas, Units A and K, Mauna Kea, Hawaii Island, Through Emergency Rulemaking Procedures To Protect Against Imminent Peril To Public Safety and Natural Resources

20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action

On June 8, 2015, I did an educational presentation at the 'Imi Loa Astronomy Center, as a recognized papa kilo hoku, star practitioner, to the Candian-France Telescope Corporation, the Subaru Telescope management, and the general public in a three hour presentation. I am returning on August 2, 2015 to do a similar presentation to the Mauna Kea Management Team as a papa kilo hoku again.

Mauna Kea is the darkest place in the Hawaiian Islands, and according to the Director of the Canada-France Hawaii Telescope, Doug Simons, the darkest place in the World. I require access to this special Mauna to perform and exercise my constitutionally protected ancestral Native Hawaiian cultural practices, which includes communication, via chants, prayer and other offerings, to Ke Akua, to ancestral beings, 'aumakua, and akua. Some of the offerings include plants and la'au medicine which only bloom at night, and others, as limu, in lake Waiau. I have identified ancestral burial sites located on the summit and did submit burial registration forms to the State Historic Preservation Division in 2010.

As a cultural practitioner, many of my practices related to Mauna Kea and the star observations, celestial events, and other important omens, portents and ho'ailona, are often spurred by ancestral communication with the Divine, and access may be on the spur of the moment when the weather and other ho'ailona are present, and the requirement to obtain an intrusive permit to access this sacred place on a moments notice, late at night or in the early hours of the morning, will be virtually impossible. Although some journeys and practices may be known, or scheduled in advance, the majority will not as they are a culmination of the convergence of many different cultural variables.

I have been trained extensively by my maternal grandfather, Kino Valentine Guerrero, my aunts, Alice Namakalua and Alice Holokai, my uncles, George Holokai, Walter Kamana and John Keola Lake, and have been qualified in court as a Native Hawaiian Cultural Practitioner in Kahunala'aulapa'auokekai (Hawaiian Limu Medicine) as well as am a Papakilohoku (Observer and Keeper of Hawaiian Star Knowledge) as noted in my mo'oku'auhau genealogical family chant. My grandfather was born on January 22, 1908, and he was taught these cultural practices by his mother, my paternal great grandmother, and her sisters. My great-great grandmother was taught by her grandfather and her mother. My grandfather's grandparents planted limu (seaweed) in Miloli'i on Hawai'i Island in the 1880's and Queen Liliu'okalani planted limu in Waikiki and elsewhere. Under Article 12, Section 7 of the Hawai'i State Constitution, my family and I have protected Native

Hawaiian gathering rights for subsistence and religious purposes from the mountain to the sea. The BLNR action to approve these rules limiting access, especially during the nighttime and early morning hours, infringes upon my ability to exercise my cultural practices, which can not be practiced anywhere else in the World, and with regards to the nighttime star observations, at no other place in Hawai'i other than the summit of Mauna Kea. The requirement for me to obtain permits prior to accessing Mauna Kea and prior to exercising my cultural practices will cause me great harm, physical, spiritual, emotional and mental, and much anguish, as the efficacy of my practices, gathering, communication, prayers, observations, medicine, and petitions to God, the gods and the ancestors, will be greatly diminished, and often rendered null and void, leading to greater harm against my person, physical and spiritual. My cultural practices also require the presence and participation of other practitioners for rituals, ceremonies, logistics and safety.

21. Any Disagreement Petitioner May Have with an Application before the Board

The proposed emergency rules will greatly infringe upon my ability to practice my culture for my health and well-being as well as infringe upon my lawful and inherent rights as a Native Hawaiian cultural practices with cultural practices unique to the summit of Mauna Kea alone. The prohibition of access between 8:00 p.m. and 5:00a.m. impacts me the greatest as the darkest portions of the Universe are available at that time for my documented and recorded practices.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to

I pray for relief from these over-bearing and intrusive rules and a lifting of the ban on nighttime access and any permitting requirements existing now, or proposed, to limit and restrict my ability to access the summit of Mauna Kea at night causing me irreparable harm.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest

I represent a unique and lost art of star knowledge and observations as practice by my ancestors thousands of years ago. I am beginning to share this sacred information with the Native Hawaiian community, general public and the scientific community, especially those in the field of astronomy. This is of great benefit to the public who in my direct and personal experience of teaching, is very interested in learning more. It is also the perpetuation of the Hawaiian culture which serves the overall State's interest and constitutional mandates.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR

I have been granted standing in other permitting actions before the BLNR, on these very same qualifications, and have conducted contested case hearings, representing myself, as an aggrieved Native Hawaiian Cultural Practitioner, and successfully appealed my case up to the Hawai'i Supreme Court.

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

MICHAEL KUMUKAUAHA LEE Michael Kumukauaha Lee 07/15/15
Petitioner or Representative (Print Name) Signature Date

Council of the City and County of Honolulu

Certificate

HONORING AND RECOGNIZING
MICHAEL "MIKE" KUMUKAUOHA LEE
FOR HIS EXEMPLARY SERVICES TO THE HAWAIIAN COMMUNITY

Historic sites are tangible evidence of a colorful, rich heritage and provide the community with a sense of continuity. Our community would suffer greatly if it weren't for generous volunteers willing to teach and nurture, and act as the proverbial "keepers of the gates" in matters of ancestral culture preservation — and today we take time to honor a very special gentleman that embodies these qualities.

Michael "Mike" Kumukauoha Lee has been a resident of Ewa Beach since 1995 and has lived in the Ewa Moku for over a decade and a half. Trained extensively by his maternal grandfather, Kino Valentine Guano; his aunts, Alice Namakelua and Alice Holokai; his uncles, George Holokai, Walter Kamana, and John Keola Lake; Mike has the qualifications as a native Hawaiian Cultural practitioner in KahunaIapa'auoekakai (Hawaiian limu medicine), and Papakihoku (Hawaiian star knowledge) as is noted in the Mokuauhau genealogical chant of his family.

Because of his documented royal Hawaiian lineage and the duties he assumes as part of his ancestral destiny, Mike shares his mana'o, his knowledge of cultural practices and traditions surrounding the dictates of his Kamehameha I bloodline. Teaching others in the value of perpetuating and preservation of Hawaiian ways of old is his past, present, and future. He shares all he knows to be true to all those interested in preserving the fragile "gift" of the Hawaiian heritage prevalent here in Hawai'i nei. His teaching takes him from island to island at his own expense; extending himself to others on the leeward side of O'ahu and to those who are in need of his services. Mike continues to practice the Hawaiian māwaewae ceremony at the foot print of the old Kula Lions Club at Hau Bush and the pule kala and kapukapu ceremony as well.

He teaches his limu and star knowledge practices and rituals for Hawaiian communities attune to cultural enrichment. In addition to his tireless tasks, he freely gives of his time to teach other Native Hawaiian cultural practitioners so they may in turn train new generations in the rich values set in our ancient Hawaiian culture.

Recently, Mike has been recognized as a cultural specialist and signatory for the Hawaiian Cultural Park Hui project that sets aside one thousand acres of Kalaheo land for a Hawaiian Cultural Park where in days of old, the land was called Kanehili. His contribution towards this end sets in motion the safekeeping of a living Hawaiian cultural reserve that may have been lost to development. Without his expert knowledge of the area, Kanehili's preservation; ancient trails, ponds, religious and ancient Hawaiian burial sites in sink holes, agricultural sites and irreplaceable sites of reverence would be lost forever. The Kanehili Hawaiian Cultural Park will be an example of the need to keep vigilant watch at the gates of Hawaiian history and ensure the never ending edification experience to perpetuate the treasures Hawaiian culture and traditions for our future generations.

Therefore, on behalf of the citizens of the City and County of Honolulu, the Honolulu City Council expresses its gratitude and congratulations to Michael "Mike" Kumukauoha Lee for the countless hours devoted to the work of Hawaiian cultural practices, its perpetuation and preservation of historical sites. His commitment, dedication, and service have been selfless and sincerely appreciated.

DATED: May 9, 2012


TOM BERG, Introducer


ERNEST Y. MARTIN, Chair



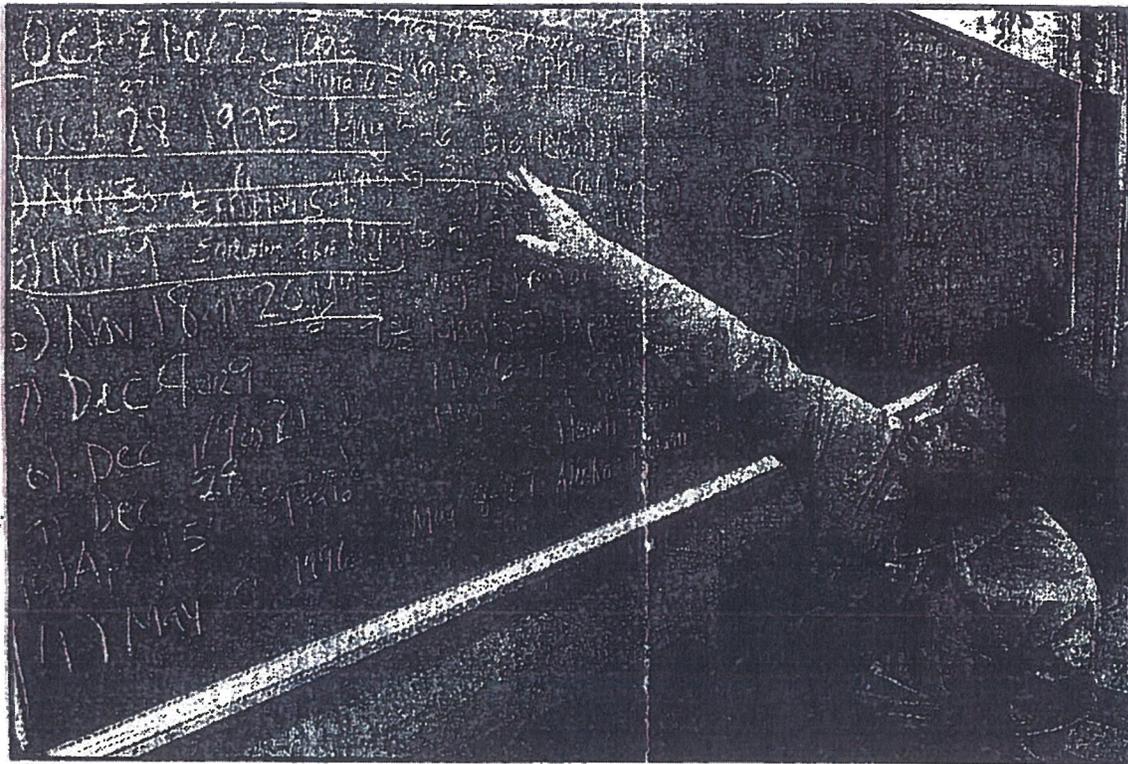



Breene




1995

Michael Lee



Michael Lee, religion instructor at Damien Memorial High School, claims a 60 percent accuracy rate since he began predicting earthquakes last year. He looks to the sun and moon — not geologic science — for his unconventional clues.

BY CRAIG T. KOJIMA, Star-Bulletin

He tracks the cosmos for earthquakes

BY JIM WITTY
Star-Bulletin

MICHAEL Lee doesn't mind flouting convention.

A religion instructor at a parochial school, he melds ancient Hawaiian and Christian beliefs. He's a walking, talking catalog of "night marcher" stories and has been lauded for his "avant garde" teaching style.

So it's only mildly surprising when he tells you that he can predict earthquakes.

The key, says Lee, is in the cosmos, not in the core: Geologists look down for explanations; Lee looks up.

"They're looking into the Earth," said Lee, who has no formal geological training. "I'm looking into the sky."

Rather than relying solely on plate tectonics and the shifting of large blocks of rock to explain earthquakes, Lee contends that the sun and moon hold far greater sway than conventional science allows.

Under his model, the gravitational force exerted by the sun and moon causes the Earth's mantle to heat up and geological plates to slip. Eclipses or near-eclipses heighten the effect, he says.

Radical maybe. But not original.

The ancient kahuna of Hawaii routinely predicted earthquakes and tsuna-

mi, said Lee, who also teaches Hawaiian history.

"The kahuna believed that when the moon turned a bright orange as in a lunar eclipse, it became the volcano goddess Pele," Lee said. "The kahuna used a sacred name of Pele known as Hina I Ke Ahi or Moon in the Flames, which described the astronomical event known as a lunar eclipse. Within a week or two of the sighting of the lunar eclipse, earthquakes and tidal waves were observed to occur."

Whether it's a flight of fancy or a legitimate technique grounded in the wisdom of the ancients remains to be seen. But Lee and many of his college-prep students at Damien Memorial High School believe.

Lee claims a 60 percent accuracy rate since he began jotting his forecasts down on the chalkboard last year.

Hits include a magnitude 4.5 quake on June 26 and a 4.4 temblor Aug. 27, both in California. Two large quakes Lee forecast for the Big Island last month, however, failed to materialize. He's now expecting a Big Isle tsunami generated by an earthquake in Chile or California on April 15, 1996, and a magnitude 8 or higher temblor in Alaska which would also generate a tsunami on May 2.

"We were amazed," said Damien senior Archie Jaramillo. "Especially the Mexico City earthquake. It was within two or three days."

While he's excited about the possibilities, Lee concedes that the hypothesis may be debunked by the scientific community. He said he wants "real scientists" to look at his theory with a trained eye and determine if it's valid.

Hawaiian Volcano Observatory geophysicist Roger Denlinger, for one, is a skeptic. "Right now there's no way he could possibly use just the sun and the moon and the tides and predict earthquakes," Denlinger said. "... We consider everything. The tides haven't had any payoff for us." What's paying off for seismologists is the knowledge that large earthquakes trigger other quakes over time because of the changes they create in interconnected fault systems, he said.

But predicting earthquakes is no easy thing. "Friction, which holds the fault back, is notoriously unpredictable over short time periods," Denlinger said.

Lee said his technique is derived from that used by A Kilo Kilo Poe Poe, an astrologer of old Hawaii and among the highest of all kahuna. "He predicted earthquakes, volcanic eruptions, rain, when to fish, when to plant." Said Lee, "I really believe that there's something there. I think scientists think it's just mythical and has no place in science."

But Lee envisions a time when seismic activity can be forecast as accurately as the ocean tides. And reality flies in the face of convention.

Hana Hou!

THE MAGAZINE OF HAWAIIAN AIRLINES



volume 15 number 6
December 2012 / January 2013



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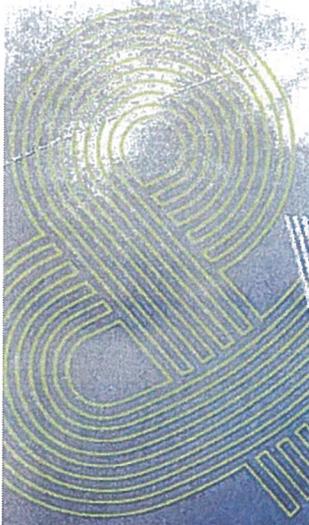
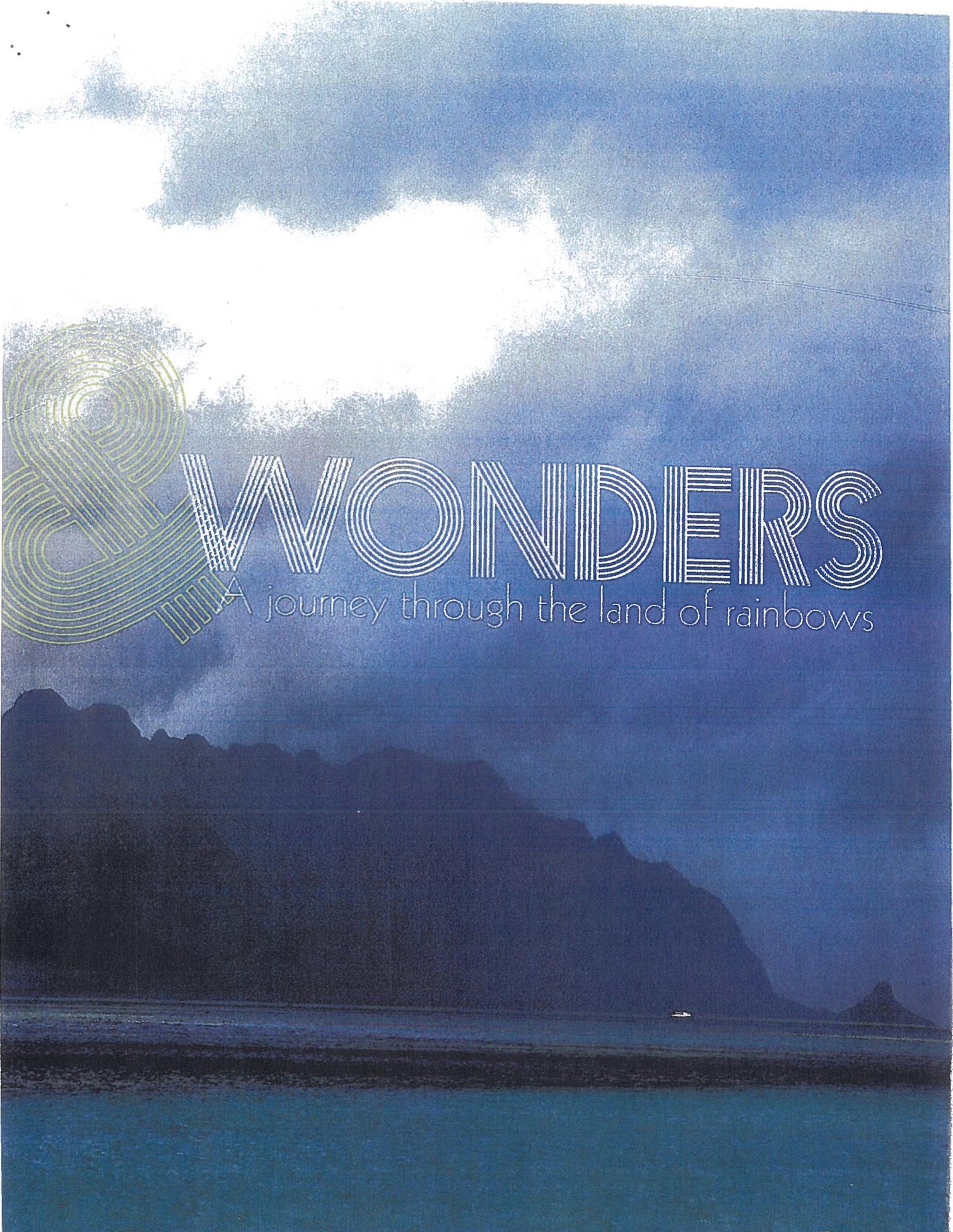
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Go 'Bows

Light and magic in Hawaii's blues



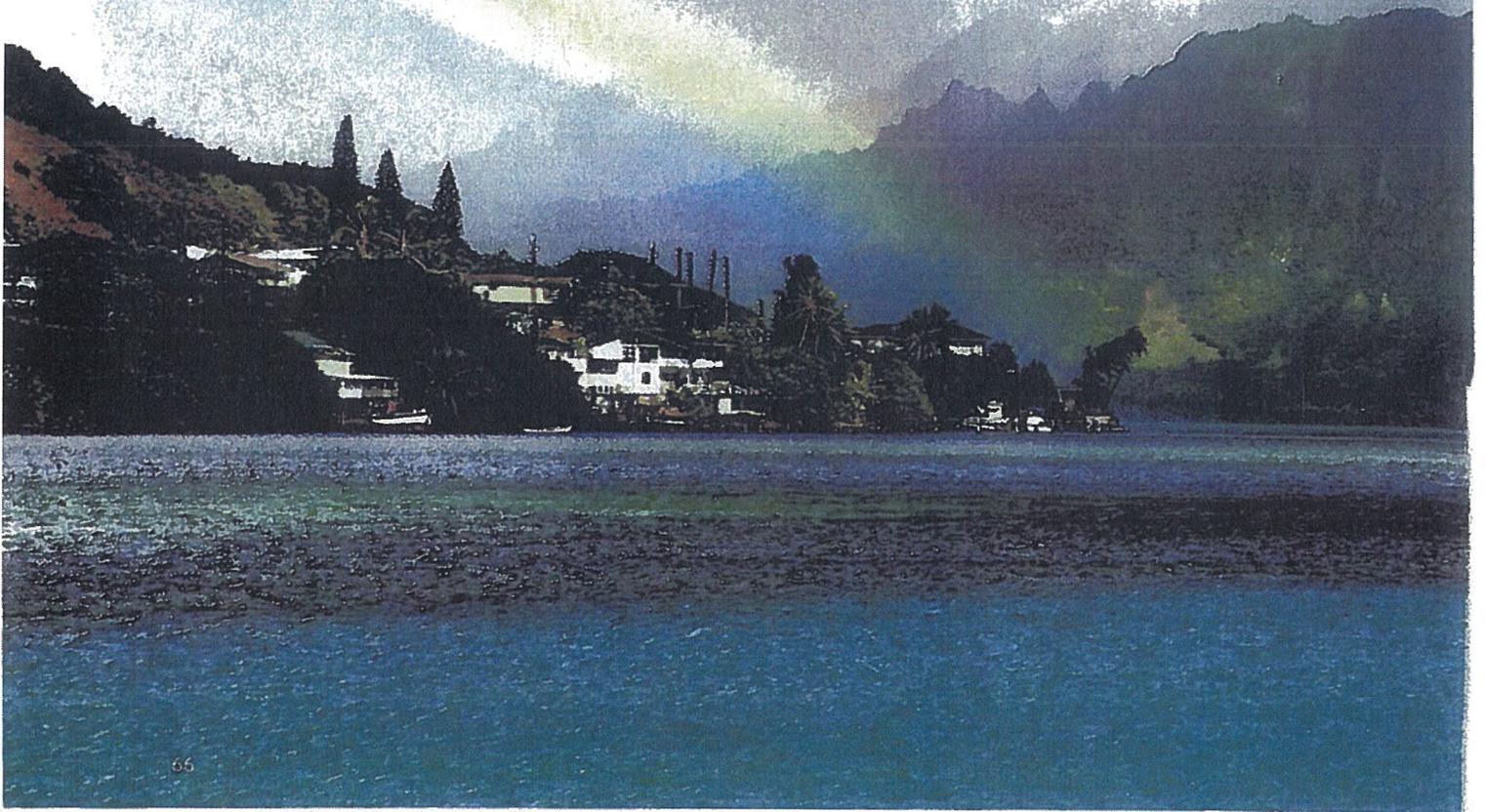
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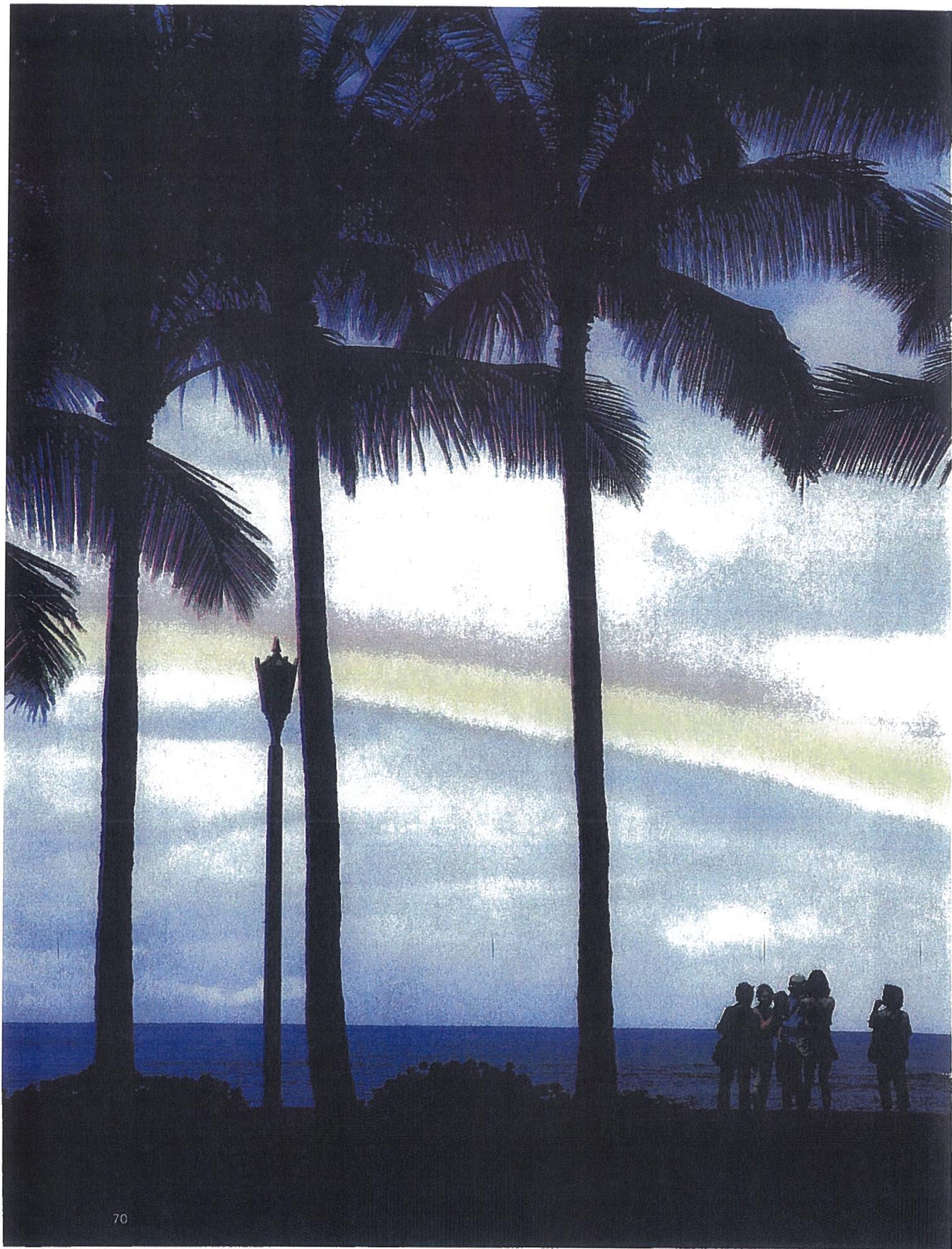


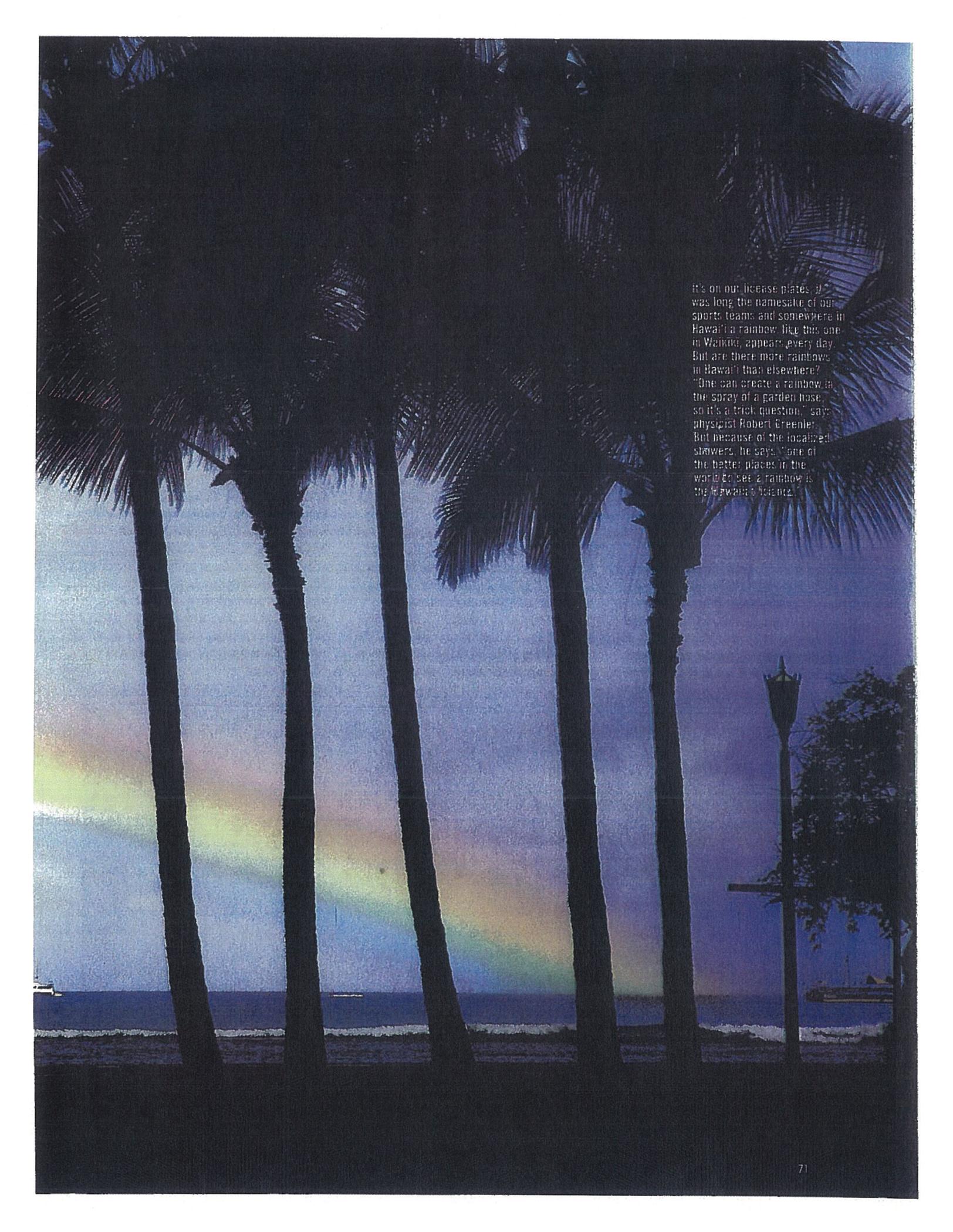
WONDERS

A journey through the land of rainbows

SIGNO





A photograph of a tropical beach at sunset. Several tall palm trees are silhouetted against a sky filled with a vibrant rainbow. The ocean is visible in the background, and a street lamp stands on the right side of the frame.

it's on our license plates. It was long the namesake of our sports teams and somewhere in Hawai'i a rainbow like this one in Waikiki, appears every day. But are there more rainbows in Hawai'i than elsewhere? "One can create a rainbow in the spray of a garden hose, so it's a trick question," says physicist Robert Greenler. But because of the localized showers, he says, "one of the better places in the world to see a rainbow is the Hawaiian Islands."

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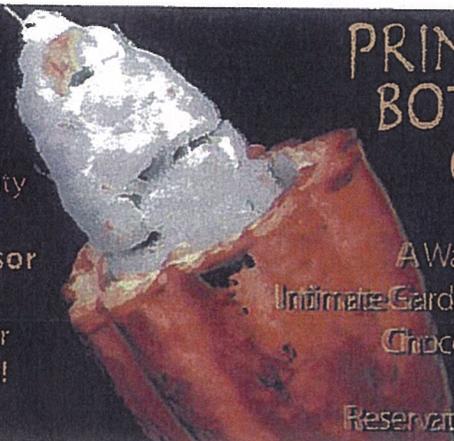
O'AHU (HNL), MAUI (OGG), KAUAI (LIH), HAWAII ISLAND (ITO AND KOA)

premonition of the death of a loved one. According to Mary Kawena Pukui in *Nānā I Ke Kumu*, a classic anthology of Hawaiian culture, "Today, the majority of Hawaiians we know associate the rainbow with death or disaster."

But not always. Back in 1927, at Mō'ili'ili field at the mouth of Mānoa valley, just a few miles from where Kāhalaopuna's spirit is said to appear, the University of Hawai'i football team was locked in a scoreless battle with the Oregon Aggies when late in the game a rainbow appeared and UH immediately scored. Until then the team had gone by the rather uninspiring name of the Fighting Deans, but it was instantly rechristened the Rainbows. According to Dan Cisco, author of *Hawai'i Sports History, Facts & Statistics*, "Fans believed that Hawai'i would be undefeated if a rainbow appeared during their games." The name evolved to Rainbows Warriors, which all the UH men's teams went on to adopt until 2000, when athletic director Hugh Yoshida decided to drop the "rainbow" because of its prevalence as a symbol for homosexuality.

The significance of rainbows as portents of great events has led many to claim that the birth of Kamehameha the Great was heralded by the ultimate rainbow, Halley's Comet—the "White Rainbow" as one author calls it—which was visible in Hawai'i in November and December 1758. While papa kilo hōkū Lee believes the future king's birthday was indeed accompanied by portentous natural phenomena including rainbows, he pooh-poohs the historians who cavalierly dismiss the oral traditions that place Kamehameha's birth some twenty years before the comet.

Lee stands at the intersection of fact and myth, convinced that science has much to learn and will one day catch up with his Native Hawaiian belief system. Surprisingly the science of rainbows is still catching up with its subject. It was only last summer, Robert Greenler excitedly explains, that a German scientist named Michael Grossman was finally able to photograph and thus prove the existence of a so-called third-order rainbow whose location was first calculated by Edmond Halley more than 250 years ago. (In layman's language, if you can see one or two rainbows in the sky, several other "higher order" bows exist but are invisible to the naked eye. The third-order rainbow is a circle forty degrees radius around the sun.) A month later, an enthusiast named Michael Theusner photographed a fourth-order rainbow.



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noted similar rainbows in the crater in previous weeks, a phenomenon ancient Hawaiians traditionally interpreted to mean that "Madame Pele and her chiefs were returning to Halema'uma'u," indicating that an eruption would soon follow.

Similarly, Lee says a type of ground-hugging red rainbow, the punolu rainbow, predicts a coming earthquake. "I last saw one on March 10, 2011, at 7:05 a.m. over Barbers Point, looking southwest. I knew a massive earthquake was coming." Less than thirteen hours later, the Tohoku earthquake hit Japan, killing nearly twenty thousand people.

Gerard Fryer, a geophysicist at the Pacific Tsunami Warning Center, is less skeptical of such claims than one might expect. "I can believe the old Hawaiians knew things that we don't. They were very much more observant of natural phenomena than we are, with our modern lives spent all day glued to computer screens. In earlier times they had to be more observant. Their very survival depended on it." Fryer says there's a "grain of truth" to associations of strange lights and earthquakes. The seismological community has come to accept the occurrence of "earthquake lights" appearing shortly before or during major seismic events. There were reliable reports of lights at the time of the Kalapana earthquake in Hawai'i in 1975. Unexplained lights were also seen at the time of the 2007 earthquake in Peru; in L'Aquila, Italy in 2008; and Chile in 2010, among others.

Though the lights are typically described as having a white or bluish tinge, some have reported a broader spectrum of colors. To Fryer the problem is not so much accepting a phenomenon that the scientific community has yet to fully explain, it's that the phenomena are "too random to be predictive." He also notes that since the Earth has about ten earthquakes of greater than magnitude five every day, Lee's technique is "guaranteed to 'predict' a large number of earthquakes, regardless of whether there is actually a link between earthquakes and rainbows."

The papa kilo hōkū is not upset by the skepticism. "To followers of the ancient Hawaiian belief system, rainbows act as a bridge between the temporal and spiritual world," he says. "How mortals chose to use that bridge is up to them. They can be used by the gods to descend to Earth and by human souls to ascend to lani ku'u ka'a—to heaven. Whether literally or metaphorically, rainbows have the power to lift the spirit and to fill your day with aloha." ■■

OMB No. 1545-0008

259

2 Employer's name, address, and ZIP code
SHERATON SANTA FE INN
750 W. ST. FRANCIS DR.
SANTA FE N.M. 87501

3 Employer's identification number
05-0208776

4 Employer's state I.D. number
011253006

5 Statutory employee Deceased Pension plan Legal rep. 942 emp. Subtotal Deferred compensation Void

6 Allocated tips

7 Advance EIC payment

8 Employee's social security number

9 Federal income tax withheld
164.00

10 Wages, tips, other compensation
2,672.13

11 Social security tax withheld
200.67

12 Employee's name, address, and ZIP code
MICHAEL LEE
PO BOX 2500
SANTA FE NM 87501

13 Social security wages
2,672.13

14 Social security tips

16 Fringe benefits incl. in Box 10

17 State income tax
60.85

18 State wages, tips, etc.
2,672.13

19 Name of state
N.M.

20 Local income tax

21 Local wages, tips, etc.

22 Name of locality

(RE-ISSUE)

Form **W-2 Wage and Tax Statement 1989**
 This information is being furnished to the Internal Revenue Service

Copy C For EMPLOYEE'S RECORDS

Dept. of the Treasury—IRS

Paperwork Reduction Act notice, see back of Copy D. OMB No. 1545-0008

For Official Use Only ▶

1 Control number
50422 **22222**

2 Employer's name, address, and ZIP code
MAUNA LANI BAY HOTEL, INC
P.O. BOX 4000
KAWAIIAE, HI 96743

3 Employer's I.D. number
99-0212736

4 Employer's state I.D. number
3004209

5 Stat. emp. Deceased Pension Plan Legal rep. 942 emp. Subtotal Deferred Compensation Void

6 Allocated tips

7 Advance EIC payment

8 Employee's social security number

9 Federal income tax withheld
2,118.50

10 Wages, tips, other compensation
11,676.99

11 Social security tax withheld
882.58

12 Employee's name, address, and ZIP code
MICHAEL LEE
PO BOX 2500
KAWAIIAE, HI 96743

13 Social security wages
11,751.99

14 Social security tips

16 (See instr. for Forms W-2, W-2P)
401K 75.00

16a Fringe benefits incl. in Box 10

17 State income tax
871.30

18 State wages, tips, etc.
11,676.99

19 Name of state
HAWAII

15 Employee's address and ZIP code

20 Local income tax

21 Local wages, tips, etc.

22 Name of locality

Form **W-2 Wage and Tax Statement 1989**
 95-1625101

Copy A For Social Security Administration

Department of the Treasury
 Internal Revenue Service

2/2

NEL ASERCROMBIE
GOVERNOR



DEAN H. SEKI
COMPTROLLER
MARIA E. ZIELINKSKI
DEPUTY CONTROLLER

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawaii, do hereby certify that the attached document is a true and correct copy of Probate No. 1481, Estate of Kailikole, with English translation of Will, from Probate Records of the First Circuit Court [Series 007], Judiciary of Hawaii

on file in the STATE ARCHIVES, at Honolulu, State of Hawaii.

Witness my hand and seal this 25th day June, 2014 at Honolulu, State of Hawaii.

SUSAN SHANER, STATE ARCHIVIST



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING
AND GENERAL SERVICES

ARCHIVES DIVISION
HAWAII STATE ARCHIVES
'IOLANI PALACE GROUNDS
HONOLULU, HAWAII 96813

I, SUSAN SHANER, State Archivist of the Public Archives of the State of Hawaii, do hereby certify that the attached document is a true and correct copy of Royal Patent No. 7281, to KAAWAHUA, on pages 157-158, Volume 25, from Patents Upon Confirmation of Land Commission [Series 289], Board of Commissioners to Quiet Land Titles _____

on file in the STATE ARCHIVES, at Honolulu, State of Hawaii.

Witness my hand and seal this 23rd day of June, 2014 at Honolulu, State of Hawaii.



SUSAN SHANER, STATE ARCHIVIST

- 7. S 29 1/2 W 11 1/2 1192 feet along the same
- 8. S 59 1/2 W 2000 Grant 2126 to its S E corner to an Ohia tree marked C and pit of stone on E side of gulch
- 9. W 74 1/2 N 2915 feet along the East half of Maikahalulu to an Ohia tree marked D and pile of stones on a line range N of gulch
- 10. W 26 3/4 S 598 feet along East land of Maikahalulu to the maunua boundary of Grant No 1556 (Kukuanai)
- 11. S 74 1/2 W 63 feet along the same to its South corner in gulch
- 12. W 23 1/4 S 780 feet along the same to x on stone on a gravel on hill
- 13. W 32 3/4 S 2914 feet along the same to x on stone on gravel (crossing East road at 2330 ft)
- 14. W 22 3/4 S 6977 feet along East land of Maikahalulu to x at stone and E pits 20 feet from sea bluff thence across bluff to high water line along high water line and up bluff to initial point which bears from last station.
- 15. S 50 1/2 W 1923 feet

Area 355 Acres



Containing Three hundred and fifty five Acres, more or less; excepting and reserving to the Hawaiian Government, all mineral or metallic mines of every description.

To Have and to Hold the above granted Land in Fee Simple, unto the said Maunua Heirs and Assigns forever, subject to the taxes to be from time to time imposed by the Legislative Council, equally upon all Landed Property held in Fee Simple.

In Witness Whereof, I have hereunto set my hand, and caused the Great Seal of the Hawaiian Islands to be affixed, this fifth day of May 1879.

By the King Amoa Kalaniana'olaha
The Ministers of the Government
Snow, Saml B Wilder

David Lawton (HI Bar No. 7338)
GALLAGHER & GALLAGHER
1925 Century Park East, Suite 950
Los Angeles, CA 90067
Telephone: (310) 203-2600
Facsimile: (310) 203-2610
E-mail:
dlawton@thegallaghergroup.com

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT

for the DISTRICT OF HAWAII

KAAHEA et al.

Plaintiffs,

v.

11-cv-00474-SOM-KSC

NATIONAL MARINE FISHERIES
SERVICE et al.

DECLARATION OF MICHAEL
LEE

Defendants.

I, MICHAEL KUMUKALOHA LEE, declare as follows:

1. I am a current and long-standing member of KAAHEA: The Hawaiian-
Environmental Alliance. I became a member because I share KAAHEA's

Unanswered Questions:

Native Hawaiians and Environmental Groups Challenge Fish Farm

CYNTHIA SWEENEY

A month ago, Hawaii Ocean Technology Inc.'s CEO Bill Spencer met with Kohala residents and presented information on Hawaii Ocean Technology Inc.'s (HOTI) proposed aquaculture farm, just north of Kawaihine. Last week, opponents of this project presented their perspective on why this fish farm project should not move forward.

"I am against this project because I think it is an ill-conceived science fair project," Michael Kumukahiha Lee told the 40 Big Island residents gathered at the Intergenerational Center. Lee, one of three presenters at the meeting, is a Hawaiian cultural practitioner, with ancestors from Kohala. He is deeply concerned about the impact this aquaculture farm will have on the ocean.

"What is the cumulative impact that this project will have on our ecosystem?" he said.

Lee is also an educator, having taught history and religion at Father Damien High School in Honolulu. For Lee, any negative impact to the land or the ocean is national. HOTI is messing with what he refers to as "our heritage." He spoke ardently about potential irreparable damage to the lagoon, seaweed, from pollution and effluence resulting from the fish farm.

"The part I don't like is that they (HOTI) didn't go to the cultural practitioners. A big part of what is missing (from the project) is unlearned and needs to be shown. I am willing to share our secrets and work with this project to protect my

tioned why HOTI's environmental impact statement was approved last year, given unresolved issues and discrepancies in their permit, like the use of net pens which was not mentioned in the EIS or permitted in the CDUP or their lease with the DNLR, the possible use of antibiotics, the impact on dolphins and whales, aesthetic pollution from lights on the feeding buoys, and questions of where the fish meal to feed the ahi will come from. If, as Spencer had indicated, the fishmeal is composed of soybeans, most soybeans produced in the U.S. are tainted with GMOs.

"Where are they going to get organic soybeans? That's one more thing we don't know," stressed Parsons.

Also at question was a misprint in the permit regarding the use of antibiotics. Parsons referred to a misspelling in the permit which stated HOTI was not allowed to use "antibodies" instead of antibiotics.

Another objection was that HOTI will be exporting most of their harvest while Lee and Parsons adhere to a locally sustainable perspective.

"It's feeding his community or feeding the rest of the world," Parsons said. "Economic standing does not speak to real sustainability. What will nourish us generation after generation?"

The group attending this meeting was united their opposition, and strongly applauded Lee after his antibiotic presentation. Spencer is familiar with their arguments, and has even been in contact with Lee regarding his concerns.

"My biggest gripe with these groups is that they are spreading fear and fantasy mongering," Spencer said. "We are trying to solve the imped-

and are completely self-sustaining. HOTI's fish farm is not really comparable to any other fish farm in existence, and therein lays fertile ground for speculation. It is an unproven entity. The real questions for Spencer to answer in the permitting process are how HOTI is going to prevent and respond to potential "what if" scenarios for a system that is not yet built, let alone proven.

Spencer is an entrepreneur, a venture capitalist who has surrounded himself with professionals in their field. What the opposition sees as discrepancies and loopholes in the application process, Spencer explains as a transparent, meticulous documentation of the evolution of the project.

"We are not a devious corporation trying to exploit a loophole," Spencer said of the "antibodies" misprint. "We are not trying to hide and have been transparent every step of the way," adding that HOTI has been revising and adding to the permit, as the project evolves. "If anything significant changes and we think we need to modify the permit, we will comply. We're not going to just throw a bunch of aqua-spheres out there. We want to be very careful and reasonable, documenting the entire engineering process. We are taking interim steps to make sure we have anticipated everything."

The current permit is for one ocean sphere for one year. After that permit expires, HOTI will have to re-apply. For the State's part, the permitting process is lengthy and thorough. For the EIS, HOTI was required to submit 34 different monitoring and response plans for emergency measures, like escaping fish and other worst-case scenarios, in detail. The lease was obtained through the DNR and

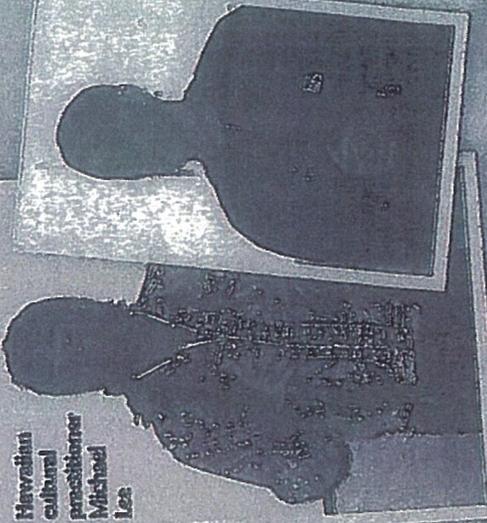
however, was what could be the biggest monkey wrench in the whole project, which will be for HOTI to raise the ahi from the laboratory to the sea, as this has never been done before. And, because of manufacturing and finance details still being worked out, an actual ocean sphere has yet to be built.

While HOTI's ocean-spheres may well prove to be the cutting edge technology that will feed the world while leaving a small imprint, their bottom line is profit. And as many discrepancies as those opposed to the project can find in the permitting process, their bottom line, Spencer said, is their objection to a private company making a profit off of public lands.

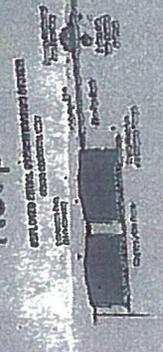
"Their real grudge is not with the farmed fish industry. They don't like private organizations making a profit off of a public resource. With Hawaiians, they don't like people using the ocean to make a profit because the ocean belongs to everyone."

Lee would agree. "The goal is to save and preserve our fisheries. Once you make it out, you take it out forever. So take time to listen to the Kapuhis, they have something to say. What will be the cumulative impact? The bottom line is to think of the consequences of our actions," Lee said.

Hawaiian cultural practitioner Michael Lee



Unanswered Questions - Net pens?



Search for Lobos' Past on the Islands

LOBOS

LOBOS TOUR
FOUR CONCERTS
IN HAWAII

Leser team traditions and their Hawaiians are proud to present Les Lobos, probably the hottest band touring the world today. Will be performing an ahi for their help in the Hawaiians supporting the ahi for the Lobos' sake.

"I run against this project because I think it is an ill-conceived science fair project," Michael Kuniakawa told the 40 Big Island residents gathered at the Intergenerational Center. Lee, one of three presenters at the meeting, is a Hawaiian cultural practitioner with ancestors from Kohala. He is deeply concerned about the impact this aquaculture farm will have on the ocean.

"What is the cumulative impact that this project will have on our ecosystem?" he said.

Lee is also an educator, having taught history and religion at Father Damien High School in Honolulu. For Lee, any negative impact to the land or the ocean is personal. HOII is musing with what he refers to as "our heritage."

He spoke audaciously about potential irreparable damage to the lagoon, seaweed, from pollution and effluence resulting from the fish farm.

"The part I don't like is that they (HOII) didn't go to the cultural practitioners. A big part of what is missing (from the project) is natural safeguards. He (Spencer) is very uninformed and needs to be shown. I am willing to share our secrets and I am willing to share our secrets and work with this project to protect my environment. My concern is to save our heritage," Lee said.

A lack of preventative safeguards was just one of the many unanswered questions the panel raised about HOII's aqua-culture farm. The picture painted was one of a greedy, greedy corporation who's project was rubber-stamped for approval by a State more interested in profit than protecting the environment.

Rob Parsons is the Hawaii Outreach Coordinator for Food and Water Watch, a privately funded, Washington, D.C.-based environmental watchdog group.

"In every step of the regulation process corners have been cut and they have given a free pass (from the State) that has hopes for the future of (profitable) aquaculture," Parsons said.

Parsons, who lives on Maui, ques-

ture capitalist who has surrounded himself with professionals in their field. What the opposition sees as discrepancies and loopholes in the application process, Spencer explains as a transparent, meticulous documentation of the evolution of the project.

"We are not a devious corporation trying to exploit a loophole," Spencer said of the "antibodies" misprint. "We are not trying to hide and have been transparent every step of the way," adding that HOII has been revising and adding to the permit as the project evolves. "If anything significant changes and we think we need to modify the permit we will comply. We're not going to just throw a bunch of aqua-spheres out there. We want to be very careful, and reasonable, documenting the entire engineering process. We are taking interim steps to make sure we have anticipated everything."

The current permit is for one ocean sphere for one year. After that permit expires, HOII will have to re-apply. For the State's part, the permitting process is lengthy and thorough. For the FIS, HOII was required to submit 34 different monitoring and response plans for emergency measures, like escaping fish and other worst-case scenarios, in detail. The lease was obtained through the DNL and permits through CDUP, and they continue to modify plans with the Army Corps of Engineers (ACE).

Parsons questioned those modifications which state that before HOII deploys the ocean-sphere, two net pens will be used to test the stages of growth of the ahi. Spencer responded that the temporary pens will be removed in less than a year as part of their agreement with the ACE.

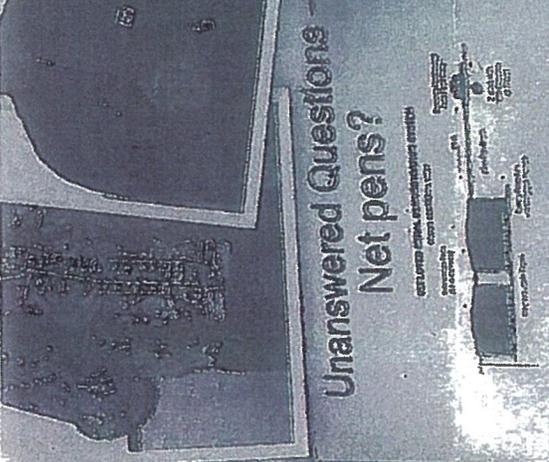
Aesthetic impact on the community of lights from the feeding buoys was also questioned. Initially, Spencer alluded that the feeding buoys were about the size of a 17 foot fishing boat. Plans in the permit, however, reveal the buoy to be about twice that size. And at two and a half miles offshore of Kohala Ranch, 12 blinking lights out on the ocean at night are a concern.

Not mentioned at the meeting,

bottom line is profit. And as many discrepancies as those opposed to the project can find in the permitting process, their bottom line, Spencer said, is making a profit off of public lands.

"Their real grudge is not with the farmed fish industry. They don't like private organizations making a profit off of a public resource. With Hawaiians, they don't like people using the ocean to make a profit because the ocean belongs to everyone."

Lee would agree. "The goal is to save and preserve our fisheries. Once you take it out, you take it out forever. So take time to listen to the Kupunas, they have something to say. What will be the cumulative impact? The bottom line is to think of the consequences of our actions," Lee said.



Unanswered Questions - Net pens?



LOS LOBOS TOUR FOUR CONCERTS IN HAWAII

Local band, Los Lobos, and their friends are pleased to present Los Lobos, probably the hottest band in the world today will be performing an all-star tour of the Hawaiian Islands in the Hawaii State Capitol. The band consists of Los Lobos (Los Lobos) and other artists. Grammy Award winning Los Lobos is joined by rock and roll legends including the Allman Brothers Band, the Grateful Dead, and the Band. The tour will be performed at the Hawaii State Capitol, the Hawaii State Convention Center, the Hawaii State Theater, and the Hawaii State Convention Center. The tour will be performed at the Hawaii State Capitol, the Hawaii State Convention Center, the Hawaii State Theater, and the Hawaii State Convention Center.

SPANISH AND MEXICAN ROCK & ROLL, TEX-MEX, COUNTRY MUSIC, FOLK, R&B AND THE BLUES



Dec. 11 Sat. - Big Island HONOKA PEOPLES THEATER
Information: 808-896-4845
Doors: 7:00pm Show: 7:30pm
Online Tickets/Information: www.lazabeer.com or 808-896-4845
Tickets available: CD Wizard - Hilo Music Exchange - Waimea Sound Wave Music - Kailua Kona

David Lawton (HI Bar No. 7338)
GALLAGHER & GALLAGHER
1925 Century Park East, Suite 950
Los Angeles, CA 90067
Telephone: (310) 203-2600
Facsimile: (310) 203-2610
E-mail:
dlawton@thegallaghergroup.com

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
for the DISTRICT OF HAWAII

KAHEA et. al.

Plaintiffs.

v.

11-cv-00474-SOM-KSC

NATIONAL MARINE FISHERIES
SERVICE: et al.

DECLARATION OF MICHAEL
LEE

Defendants.

I, MICHAEL KUMUKAUOHA LEE, declare as follows:

1. I am a current and long-standing member of KAHEA: The Hawaiian-Environmental Alliance. I became a member because I share KAHEA's

5. I practice and teach my Hawaiian gathering rights all over Hawai'i, but particularly in the Kawaihae region on the Kohala coast on the Big Island. My practice involves the gathering of specific marine organisms from the shoreline and using them as medicine, including for the mawaewae ceremony for a couple's first-born child. Many of the species I collect are not from the near shore: they are from very deep water and wash ashore on the lunar cycle currents. I use the currents, tides, lunar phases, and seasons to predict when what I need will wash ashore in order to collect it.

6. Organisms collected include the pupu mo'o, which is a chiton, an invertebrate mollusk, and 50 species of seaweeds including the limu kilikilihunemawaewae, the limu lipe'epe'e, limu kala lau nui nui, limu kala lau li'ili'i, limu kohu, limu mamaneo, limu pālahalaha, limu lipoa, limu a'ala 'ula, and limu po'ele'ele. Other examples of what I gather include the seaweed limu 'aki'aki which is used for the practice of lo'i kalo to ensure the health and well-being of the kalo plant, the root of which is used for the staple food poi, and 'aki'aki, a shoreline rush grass, which is used for spiritual cleansing. I also heavily use for my practice the seaweed limu 'awa and invertebrate sea slug 'opihi 'awa, and he'e, or squid, especially at times when it is forbidden under my culture to eat them.

7. I also collect corals reefs and sponges, such as the 'ana, a siliceous sponge that wash upon the shore. The corals I collect have antibiotic

of the project, and they based this on the environmental impact statement for another deepwater aquaculture project, the Hawaii Oceanic Technology, Inc. (HOTI) facility. I filed a contested case against that project in part because the project's use of drugs and feed and the resulting fish aggregation and disease from the project would impact the organisms upon which I rely on for my cultural practice. My concern is that the drugs and the residue from the oils and chemicals in the fish food would contaminate the Hawaiian sea salt that we use to salt fish, squid, octopus, limu seaweed, medicine la'au, pork (Kālua pig), pīpīkaula (beef jerky), Opīhi, (snails), and shrimp. The EA for the KBWF project fails to address these impacts. In fact, in the Final EA omitted the section in the Draft EA that referred to the HOTI project, entitled "Potential Impacts on Cultural Resources and Practices."

11. It is my belief that I am well-known as a cultural practitioner both among Native Hawaiians and by the state. No State or Federal agency, including the Office of Hawaiian affairs has consulted me about the project. Moreover, I do not know of any Native Hawaiian consulted by these entities regarding this project.

12. The issuance of KBFW's SCREFP permit also harmed me because of the precedent it sets for other future projects that also may hurt my limu medicinal practices. It is my understanding that with this permit, the

environmental laws and regulations when it issued the SCREFP to KBWF. my cultural practices are at risk. The permit was issued without meeting the requirements imposed by law to evaluate the impacts from such projects on the marine environment, which I depend on for my limu medicine practices. I have a deep profound connection to the marine environment, and the risks posed to these resources by the project harm me and my religions. If Defendants were to comply with its full legal responsibilities and comply with all applicable environmental laws, this would provide me with some measure of protection for the marine environment, and thus for me and my cultural practices, as the public and I would be able to more fully assess and understand the impacts of the KBFW project.

15. For all the reasons set forth in this document, Defendants' failure to comply the law directly harms my interests in the health and quality of the marine environment on the Big Island of Hawaii and its relation to my cultural practices there.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 2nd day of January, 2012.

**Hanalei Fergerstrom
Na Kupuna Moku O Keawe
P.O. Box 951
Kurtistown, Hawaii 96760**

**BOARD OF LAND AND NATURAL RESOURCES
LAND BOARD MEETING, AGENDA ITEM C-2
JULY 10, 2015**

We stand firmly AGAINST the proposed use of EMERGENCY RULEMAKING PROCEDURES To adopt a New Section under Hawaii Administrative Rules as Title 13 Chapter 123 Section 21.2 To Restrict Use of and Access to Portions of Public Hunting Areas, Units A and K, Mauna Kea, Hawaii Island, to Protect Against Imminent Peril to Public Safety and Natural Resources.

- 1. There is no evidence of Imminent Peril to Public Safety and Natural Resources that was Not CAUSED by the aggressive behavior of Law Enforcement Agencies against peaceful protectors exercising their Constitutionally Protected Right Rights of Free Speech and Religious Freedom enumerated in the 1st amendment of the U.S. Constitution.**

Other protections include but not limited to Public Law 95-341 (Native American Religious Freedom Act); Public law 103-150 (Apology Bill) which clearly states that the HAWAIIAN PEOPLE NEVER DIRECTLY RELINQUISHED THEIR INHERANT SOVEREIGNTY OR THEIR NATIONAL LANDS. Clearly, the entire land area encompassed in this proposal are identified to be Hawaiian Kingdom Crown and Government Lands.

Further protections are stated in Admissions Act in numerous sections including Section 5(f) regarding the Ceded Lands belonging to the Hawaiian Kingdom's Crown and Government, with clearly stated Beneficiaries (5) all directed to the benefit of Hawaiian People.

Other enumerations of protections, including protection against Desecration and Destruction of Sacred Sites as well as can be found article 12 section 7 of the Hawaii State Constitution.

- 2. I am a Traditional Pre- contact Hawaiian Religious Practitioner, more specifically of the LONO training. I can also identify those independent individuals whom have a similar calling and referred to as "Ku Kia'i Mauna" or protectors of the sacred Mauna a Wakea, especially the lands to be known a "Wa'o Akua " otherwise known as the realm of the Gods.**

That the so called encampments are misidentified as their functions are STAGING AREAS FOR RELIGIOUS ACTIVITIES AND COMFORT AREAS FOR VISITING PRACTITIONERS, THE KUPUNA, AND THE YOUTH, in alignment with the first law of Hawaii "MAMALAHOA KANAWAI" or other wise known as the law of the Splintered Paddle. This law is demonstrated on all law enforcement badges including emblems of the State and Counties in the form of the Ti leaves with the Crossed Paddles.

3. The proposed 1 mile on either side of the Mauna Kea Access Road to be considered a "Restricted Zone" presents Imminent Harm to those religious practitioners who many of their practices at night on the Mauna as they correlate to certain star features and various times. Obviously, stars can only be seen at night as the positions of those stars change continuously during the night and vary according to seasons and times.
4. Placing restriction on such items as Backpacks, Blankets, Tarps, etc. creates unsafe conditions to Health and Safety of those exercising religious practices both day and night, due the extreme high elevation and often extreme weather, and presents extraordinary liabilities for the State and the University of Hawaii's OMKM as well as personal liabilities for person attempting enforce laws that are arbitrary and capricious.
5. There is much more to say and present as argument, but this time does not permit continuing.
6. **I/WE RESERVE THE RIGHT TO CONTEST THIS PROPOSED ACTION IN THE IMMEDIATE AS THIS IMPLIED IMMINENT PERIL.....POSES DIRECT IMMINENT HARM TO THOSE PRACTICING RELIGIOUS CEREMONY AT THIS ELEVATION DAY AND NIGHT.**
7. This testimony is for myself and Mr Michael Lee (incapacitated at present). Mr Lee has standing in the courts as a Papakilo Hoku, Hawaiian Star Priest. As such, the night skys, the stars, are his area of authority. Michael Lee has received certificate from the County of Honolulu for his exertise.

Handwritten:
 6-1
 C-2

Note: I have personally presented to Kahu Ku Mauna detailed maps showing where certain religious and cultural practices are conducted on Mauna A Wakea, specifically those done within the Science Reserve. Both Stephanie Nagata (director of OMKM) and Wally Ishibashi (Cultural Advisor OMKM) sit on the panel of Kahu Ku Mauna.

Handwritten signature:
 Stephanie Nagata

Conclusion: We urge this Board to reject/or not approve this proposal of emergency rule making as described in agenda item c-2

(Cultural Advisor OMKM) sit on the panel of Kahu Ku Mauna.

Conclusion: We urge this Board to reject/or not approve this proposal of emergency rule making as described in agenda item c-2

RECEIVED
 2015 JUL 10 PM 3:19
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

(B)

Handwritten:
 Michael
 Mr. Kumukavoha Lee Reserves A
 Contested Case Hearing on Agenda Item
 MKL ~~2~~ (C2). *Michael Kumukavoha Lee*
 7/10/15



STATE OF HAWAII
BOARD OF LAND AND NATURAL RESOURCES

PETITION FOR A CONTESTED CASE HEARING

RECEIVED
2015 JUL 20 PM 2:30
DEPT. OF LAND
& NATURAL RESOURCES
STATE OF HAWAII

Case No.	Date Received
Board Action Date / Item No.	Division/Office

INSTRUCTIONS:

- File (deliver, mail or fax) this form within ten (10) days of the Board action date to:

Department of Land and Natural Resources
 Administrative Proceedings Office
 1151 Punchbowl Street, Room 130
 Honolulu, Hawaii 96813
 Phone: (808) 587-1496, Fax: (808) 587-0390

- DLNR's contested case hearing rules are listed under Chapter 13-1, HAR, and can be obtained from the DLNR Administrative Proceedings Office or at its website (<http://hawaii.gov/dlnr/rules/Ch13-1-Official-Rules.pdf>). Please review these rules before filing a petition.
- If you use the electronic version of this form, note that the boxes are expandable to fit in your statements. If you use the hardcopy form and need more space, you may attach additional sheets.
- Pursuant to §13-1-30, HAR, a petition that involves a Conservation District Use Permit must be accompanied with a \$100.00 non-refundable filing fee (payable to "DLNR") or a request for waiver of this fee. A waiver may be granted by the Chairperson based on a petitioner's financial hardship.

(If there are multiple petitioners, use one form for each.)

1. Name <i>ANDREA LIMA DE COSTA</i>	2. Contact Person <i>SAME</i>	
3. Address <i>1020 GREEN ST. #104</i>	4. City <i>HONOLULU</i>	5. State and ZIP <i>HI 96822</i>
6. Email <i>adecosta_fos@icloud.com</i>	7. Phone <i>808/737-5334</i>	8. Fax <i>NONE</i>

9. Attorney Name	10. Firm Name	
11. Address	12. City	13. State and ZIP
14. Email	15. Phone	16. Fax

17. Board Action Being Contested "EMERGENCY" RULES FOR MAWA-KEA BY THE DLNR + BLNR. HAR SEC 13-123-21.2 "PROHIBITED ACTIVITIES".

18. Board Action Date JULY 10, 2015

19. Item No. C.1 + C.2

20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action CULTURAL PRACTITIONER & LINEAL DESCENDANT OF HAWAII ISLAND RESIDENT(S) OF KANAKA MAOI ETHNICITY. INABILITY TO ACCESS PER THE PROPOSED RULES WOULD INFLECT SIGNIFICANT EMOTIONAL DISTRESS.

21. Any Disagreement Petitioner May Have with an Application before the Board THE DLNR & BLNR ARE REQUIRED TO CONDUCT A HEARING(S), IN COMPLIANCE WITH HAR 13-5-40.4(b): "THE HEARING SHALL BE HELD IN THE COUNTY IN WHICH THE LAND IS LOCATED...". THE HEARING WAS HELD IN HONOLULU CITY.

22. Any Relief Petitioner Seeks or Deems Itself Entitled to ① IMMEDIATE DISMISSAL & DISQUALIFICATION OF ANY VOTE(S) CONDUCTED WHICH WERE NOT IN COMPLIANCE WITH HAR 13-5-40.4(b). ② IMMEDIATE INJUNCTION AGAINST ANY FUTURE CONSTRUCTION AND MAWA-KEA UNTIL ALL LEGAL ISSUES ARE RESOLVED.

23. How Petitioner's Participation in the Proceeding Would Serve the Public Interest AS A CULTURAL PRACTITIONER, LINEAL DESCENDANT AND COMMUNITY MEMBER WHO SHOWS SOCIAL & FAMILIAL TIES, MY CLAIMS WOULD ASSIST IN FULFILLING PUBLIC INTERESTS BY ENSURING THAT ALL INTERESTED PARTIES TO THE HAR & MAWA-KEA CONSTRUCTION.

24. Any Other Information That May Assist the Board in Determining Whether Petitioner Meets the Criteria to Be a Party under Section 13-1-31, HAR AS AN ADVOCATE FOR THE POOR, HONOREES & KANAKA MAOI RIGHTS, AND AS SOMEONE WHO IS CURRENTLY UNEMPLOYED (I AM REQUESTING A VARIANCE TO THE FEE REQUIREMENT. MAWA-KEA)

Check this box if Petitioner is submitting supporting documents with this form.

Check this box if Petitioner will submit additional supporting documents after filing this form.

ANDREA ILI MA DE COSTA
Petitioner or Representative (Print Name)


Signature

20 JULY 2015
Date