

Before the Land Use Commission
Of the State of Hawaii

In the Matter of
Order to Show Cause
Kula Nei Partners LLC (successor petitioner)
A06-770 The Shopoff Group, L.P.
May 22, 2019

DECLARATION OF ROBERT E. LEE JR.

I, ROBERT E. LEE JR., do hereby declare the following:

1. I am Co-Manager of Kula Nei Partners LLC, successor petitioner to The Shopoff Group, L.P. (the "Project" and "Property") in the matter of docket A06-770 before the State Land Use Commission (the "LUC").
2. I currently reside at 73-4529 Kohanaiki Road, which is within the O'oma/Kohanaiki ahupua'a and adjacent to the Property. I have resided there for the last 35 years, along with, from time to time, various members of my 'ohana and their ohana as well.
3. Kula Nei sits within the O'oma/Kohanaiki ahupua'a and is an area that my 'ohana has lived in for generations. My grandparents, Kinoulou and Haleaka Kahananui acquired the Property in the 1920's from the Territory of Hawaii. Back then, they raised cattle and farmed sweet potato on the Property.
4. It would have been easier for them to purchase land where water was more available but they weren't afraid to work hard and were determined to stay in the area that they were both born and raised in.

5. "Kula Nei" is a name that my mother, Elizabeth Maluichi Ako Lee gave the area and the Project. "Kula" is what the region was originally called by Hawaiians native to the area. "Kula Nei" simply translates to "This is Kula".
6. My mom was master Hawaiian arts practitioner as well as a "manaleo", native Hawaiian language speaker. She named many other places in Kona as well and the perpetuation of those original names is vital to the Hawaiian culture and should be respected and preserved.
7. The stories that she shared with us were numerous and now it our moral duty to ensure that the next generation knows them as well.
8. Given my family history, it is obvious why I was eager to reclaim ownership of these lands when they became available. Hopefully, we will be able to provide opportunities to our 'ohana, as well as other families' native to the area.
9. Within my own family, we number in the hundreds. My children and grandchildren have all been raised in the immediate area, and all of them sense the deep cultural connection that comes with ties to the lands of their kupuna.
10. Young Hawaiian families are often forced to move away from the lands they were born and raised on. To be able to provide an opportunity for young Hawaiians to live and work in our community is not just good for them, but for the future of our town and this island.
11. As much as mom and dad passed on stories about the lands, it was only after extensive studies that the previous petitioner, The Shopoff Group L.P., conducted to support their rezoning request from agriculture to urban, that the true extent and significance of the cultural and archeological features on the Property were

revealed. EXHIBIT (1)

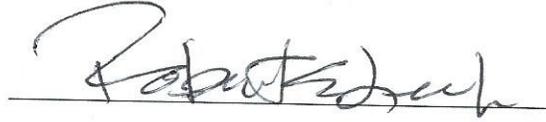
12. Parcel 07 in particular, the most makai parcel (45.6 acres), contains a wealth of sites, a burial, and other features (lava tubes and trails) that are relatively intact throughout most of the parcel. EXHIBIT (2) Parcel 38 (45 acres), directly mauka of parcel 07, also contains several features and burials but had been bulldozed in the past. EXHIBIT (3) Parcel 39 (40.4 acres), adjacent and to the north of parcel 07, has several sites that were identified. EXHIBIT (4)
13. Studies have also determined that the Property contains as many as nineteen (19) native Hawaiian indigenous and endemic plants species within the Petitioned area.
14. I, and members of the Lee 'ohana have spent many hours on the property hand clearing and opening up overgrown previously established access roads throughout the Property. In that process, I can personally attest to the existence of many of the cultural and archeological features, as well as many of the listed native indigenous and endemic plants and foliage.
15. Given the cultural and natural resource attributes throughout the Property, along with its relatively undulating topography, the developable area upon which we plan to create an 'ohana style subdivision is quite limited. We plan to create this 'ohana project utilizing the existing County zoning which allows for a minimum five (5) acre lot size or possibly through the use of Planned Unit Development (PUD) which would allow us to get smaller lot sizes while retaining the existing overall zoning density..
16. The conceptual master plan for the Property focuses around no development of

parcel 07; a project nursery for the propagation of native Hawaiian indigenous and endemic plants and foliage for on-site landscaping and/or future commercial purposes; and integrating archeological sites and/or features on parcels 38 and 39 (the "Mauka Parcels"), into the 'ohana style subdivision configuration.

17. To realistically accomplish this vision, it will be necessary to find a way to consolidate and create potential 'ohana homesites on the Mauka Parcels. The Property has twenty six (26) water commitments based on existing zoning. Eight of the 9 water commitments allocated to parcel 07 will be re-allocated to the Mauka Parcels. One water commitment to parcel 07 will be retained for a possible interpretive halau in the future.
18. A 501C-3 cultural and preservation foundation or a preservation easement is being considered to perpetuate the preservation of parcel 07 in its entirety.
19. At this time, the Lee 'ohana is still considering how to best configure lots for 'ohana subdivision purposes. Some of the lots will need to be sold to support the development of the 'ohana subdivision project. Those lots will be offered for sale to families in the immediate area who share the vision of participating in an 'ohana community where we can continue to honor our kupuna and their legacy.
20. I, and members of the Lee 'ohana understand that progress in life is not just inevitable, but necessary, yet if we can develop our communities to show respect for the land, understanding that we are merely stewards of it, we can raise up a community and generation with a greater appreciation of where they came from. We want *Kula Nei* to be a land of opportunity and enrichment, where families can plan for their future, while still staying connected to, and honoring their past.

I declare under penalty of law that the foregoing is true and accurate.

Dated: Kailua-Kona, Hawaii, May 3, 2019

A handwritten signature in black ink, appearing to read "Robert E. Lee Jr.", written over a horizontal line.

ROBERT E. LEE JR.