

From: [Prana Mandoe](#)
To: [DBEDT LUC](#)
Subject: Support of Kanahahele Petition DR19-67
Date: Friday, October 25, 2019 12:15:01 AM

TO: State of Hawai'i Land Use Commission
P.O. Box 2359
Honolulu, HI 96804

FROM: Prana Mandoe, Middle School History Teacher
John "Keoni" Aweau Turalde, Hawaiian Cultural Practitioner & Teacher of
Hawaiian Arts

RE: Testimony IN SUPPORT of Ku'ulei and Ahi'ena Kanahahele's petition for a declaratory order concerning the invalid classification of the de facto and improper industrial use precinct on approximately 525 acres of State Land Use Conservation District Lands located in Mauna Kea and Hilo, County of Hawai'i, Tax Map Key (TMK) No. (3)4-4-015:009.

Date: October 24, 2019

We are submitting our written testimony IN SUPPORT of Mr. and Mrs. Kanahahele's petition and ask that you grant the conditions of the petition.

We begin with an analogy. If you live in an agricultural area where the focus is on food, livestock, and crop production, large retail shopping centers are not allowed. But if one supermarket is permitted, that might fit into the agricultural zone. Then let's say a Sears department store with tire service is given an exception, followed by a fast food place. Then special permits are granted to three high-end clothing shops, a souvenir kiosk, a cabinet and kitchen distributor like Ikea, and a big-box outlet such as WalMart. Together, this collection would be a de facto retail shopping center not allowed under agricultural zoning. Anyone looking at the collection of businesses would know they were not designed for food, livestock, crop, or forestry production.

In fact, this is close to the reason the Land Use Commission (LUC) was created. The take-over of agricultural lands by subdivisions and residential development prompted the state to better manage land use by establishing the LUC. However, the piecemeal degradation of a land use zone is still happening, this time on the summit of Mauna Kea. One by one, astronomy facilities including telescopes, support structures, access and service roads, utilities, parking lots, and so on have been granted CDUPs. These structures do not protect watersheds, water sources, or scenic or historic areas; they do not preserve wilderness or open space; and they do not safeguard the habitats of endemic species — all of which are the defining functions of a conservation district. On the contrary, the singly permitted telescopes and associated developments strip the conservation zone of its primary functions. Oil and other kinds of leaks from vehicles, along with mercury leaks from telescopes, threaten the most pristine waters at the top of the island's watershed. The scenic — not to speak of spiritual, religious, scientific, and navigational — openness of an undeveloped summit has been cluttered with industrial buildings. Wekiu bug habitat has been built upon. By allowing 14 separate developments each under its own CDUP, an urban center has been built, and its effects as named above are destructive rather than conservationist. This de facto industrial zone in the conservation district should not have been allowed. Neither should it be permitted to expand.

The Land Use Commission has the power to prevent this expansion. In fact, the LUC's purpose is to prevent "the development of Hawai'i's limited and valuable land for short-term gain for the few... The... Land Use Commission... is responsible for preserving and protecting Hawai'i's lands and encouraging those uses to which lands are best suited." As such, we respectfully urge you to grant the petition filed by Mr. and Mrs. Kanahahele. Require a District Boundary Amendment (DBA) with associated public scrutiny rather than allowing a continuous string of CDUPs to change the land use zone surreptitiously. A DBA is the procedure legally required for the developments that have been built and those that the state has currently slated for construction.

I will close by stating how this affects me and my family. First, as a family of canoe people and kanaka kalai (carvers), we sometimes access Keanakako'i, the quarry, for adze rock. This is in the wao akua, the realm of the gods and elements beyond human control. According to our practices, none of the industrial buildings belong on the summit. The summit is designated — zoned by traditional land use, if you will — as a place for humans to go briefly, for projects that take limited time. We respect the power of the mountain to gather clouds and fill our aquifer with unpolluted water. We show this respect by not making houses or businesses on the summit, by not polluting the place with our developments. So the industrial zone that has been allowed is by its nature disrespectful to our cultural traditions.

Second, the fact that Hawaiian protests against the development and misuse of our resources have been ignored from 1893 through 2019 is a cause of stress, anger, distrust, and many related health problems. Our efforts to steward the resources of our homeland are repeatedly dismissed, denied, ridiculed, rebuffed, and ignored. We are not allowed a voice of power in decision-making unless we agree with the desires of big business and its ally, the state. This blatant disrespect shows in actions like allowing a conservation zone to be industrialized by granting a string of CDUPs. It shows in the social ills so common in our community: 126 years of pent-up anger bust out in domestic violence, in crime, in suicide, in resistance to school, in drug and alcohol abuse... Both of us, as teachers and community members, encounter these problems in family members, friends, students, ourselves.

It would be amazing for this Land Commission to make a small yet precedent-setting move toward justice by approving Mr. and Mrs. Kanahahele's petition. A series of such moves over time could protect our resources and show actual respect to Hawaiian culture. We respectfully ask that you support DR19-67 Kanahahele & Kanahahele.

Thank you for this opportunity to be heard.

Prana Joy Mandoe and John "Keoni" Aweau Turalde

From: [Edward Ayau](#)
To: [DBEDT LUC](#)
Cc: [Alan Murakami](#); [Pualani](#); [Kaleikoa Kaeo](#); [Kahookahi@gmail.com](#); [kanikapu@gmail.com](#); [puamkea@gmail.com](#); [Kainani Kahaunaele](#)
Subject: Testimony in Support of Kanahele Petition to LUC
Date: Friday, October 25, 2019 11:03:00 AM
Attachments: [2019 EHA Testimony Supporting Kanahele Petition to LUC25 Oct.pdf](#)

Aloha,

Attached is my testimony, please ensure the LUC is provided with the document as I am unable to testify in person.

E Halealoha Ayau
808.646.9015
622 Wainaku Street Hilo, HI 96720

Testimony of Edward Halealoha Ayau
In Support of the Petition by Ahi'ena and Ku'ulei Kanahale
to the State of Hawai'i Land Use Commission
Honorable Jonathan Likeke Scheuer, Chairman
October 25, 2019

I, Edward Halealoha Ayau, of my own free will, submit the following in support of the granting of the petition by Ahi'ena and Ku'ulei Kanahale and do so without reservation:

1. Like many in our community who care about the rule of law, I am puzzled as to how 13 observatories get onto State conservation land without proper authorization.

2. Hawai'i law splits authority over conservation land districts, which are determined by the Land Use Commission (LUC), and conservation land uses, which are approved by the State Land Board.

3. After the LUC designated Maunakea as conservation land, the Land Board became responsible for enforcing conservation district laws, including making rules to govern the conservation district.

4. State Land Board rules allow "astronomy facilities" so long as they prepare management plans and apply for Conservation District Use Permits (CDUP).

5. The State Land Board issued 14 CDUP's for observatories and associated roads and utilities, 13 of which have been constructed on Maunakea, and creating a de facto industrial zone.

6. The actions by Mr. and Mrs. Kanahale is the next logical step to petition the LUC to declare the industrialization of Maunakea summit areas is contrary to its conservation designation.

7. As a Hawaiian Home Lands lessee and beneficiary, I am also opposed to the mismanagement of DHHL trust lands on Maunakea for the access road, built illegally by the University of Hawai'i in 1968 and never paying a cent for such usage and erroneously said to be under the control and jurisdiction of the Department of Transportation.

8. I also oppose the use of the road by all observatory staff until the proper payment of past lease rents by the University of Hawai'i is resolved.

9. Please continue to impose the rule of law and require the observatories to comply with the conservation district rules and requirements. It is your collective kuleana to do so, mahalo.

Edward H Ayau

Edward Halealoha Ayau

25 'Okakopa 2019

From: [Pomai Bertelmann](#)
To: [DBEDT LUC](#)
Subject: Pomai Bertelmann, Kanahele LUC Petition, TESTIMONY
Date: Friday, October 25, 2019 12:16:05 PM

Written Testimony of:
Pomaikalani Bertelmann
Waimea-Kamoku, Hawai'i
October 24, 2019

Aloha no kakou Chairman Shceuer and Commisioner –

My name is Pomai Bertelmann, of Waimea, Hawai'i. The generations before me and the generations who follow me have been and will continue to be raised on the Kamoku flanks of Maunakea. I support the Kanahele's Petition to Declare that the Industrialization of the Mauna Kea summit area, is contrary to the district designation and that this commission, The Hawaii Land Use Commision, duly and justly, take all steps, in your present day authority, to reject the CDUP Permit granted for the construction of the TMT and appropriately exercise your responsibility, and require UH to apply for a district boundary amendment.

Two generations of conflict over the aligned and proper use of the Maunakea summit region plagues us all. The University of Hawai'i to date, is found to be inadequate stewards of the mountain while they continue to favor requests of national and international astronomy appetites. Whether intended or not, the UOH and its habbit of saying "yes" or just one more, or this is the last one, has catapulted their actions into mis-alignment with that of the conservation district guidelines, and into the character of urbanized use. This is not responsible use. Humans have the capacity to morally recognize what is right. The sacredness of Maunakea, Mauna a Wakea was not and is not, inteneded by my ancestors, my generation, or my desendants, to be altered in ways that demoralize or minimize her wailua. Our truest, most pure nature as a person or as people, is to be in balance. It to be maiau.

Maunakea, Mauna a Wakea, Mama Kea - lives upon an isolated island chain in the northern boundaries of Moananuiakea. She, is the heighest mountain in the world from seafloor. That in itself makes her sacred. That is reason enough for her to be looked after with care and the utmost respect and honor. Conversations, dialouge, and meetings about her- must be approached with her wailua and integrity at the forefront and in your minds eye. The decisions made on her behalf should be made with her long term sacredness in mind.

It is of the utmost importance that the State of Hawaii Land Use Commission recognize its value to this community. You have a moral obligation to be responsible for and maintain the values, purpose and function of the Conservation District atop Mauna Kea. That designation in no way, shape or form, should be changed to language and sentiment that would support urbanized use. It is also your duty to encourage, remind, and at times direct the public, state

agencies, UH, and all telescope development supports to be responsible and present their plans to the LUC for proper review. The Board of Land and Natural Resources does not have the authority to change or alter such, and said designations on Maunakea.

On October 30, 2018 the State Supreme Court rules in favor of Thirty Meter Telescope's construction. Upon that decision Justice Michael Wilson stated, "Under this new principle of natural resource law," Wilson wrote, "one of the most sacred resources of the Hawaiian culture loses its protection because it has previously undergone substantial adverse impact from prior development of telescopes." Judge Wilson then went on to state, "That essentially means Mauna Kea is no longer protected by the conservation law". This because the TMT plan was circumvented and intentionally, did not present its plan to the LUC for review. Judge Wilson's state is the writing on the wall. His insight inspires us to ensure that the summit of Maunakea remain in the Conservation District!

The Conservation District was designated to set lands aside for protection from Urbanization and other distinctions that would digress from said protections. The health, vitality and sacred nature of lands held in the Conservation District should always maintain the conservation status. Maunakea's flora, fauna, and all diverse ecosystems associated with her said space, rightfully deserves this same designation. To date, and in regards to the proposed and supported TMT project by the University of Hawaii, The State Government, and Foreign Interests, there has been no LUC review of that project.

There is not boundary amendment in place because there has been no review.

A proposed boundary amendment would not and is not supported.

Maunakea remains in the Conservation District and is not available for reclassification to Urban and Industrialized Use at any time now or in the future.

O ke kahua ma mua, ma hope o ke kukulu, first the foundation and then the building. To me and my 'ohana this means that the rightful consciousness of Akua, 'Aina and Kanaka must be in its rightful order, before any type of building, whether one of the mind, spirit or the physical, can even be considered.

I do not support Maunakea summit region to be designated as an Urban and Industrialized district. I also do not support future construction that may be proposed for Maunakea summit areas. In closing, I support the Kanahale's Petition to Declare that the Industrialization of the Mauna Kea summit area, is contrary to the district designation and that this commission, The Hawaii Land Use commission, duly and justly, take all steps, in your present day authority, to reject the CDUP Permit granted for the construction of the TMT and appropriately exercise your responsibility, and require UH to apply for a district boundary amendment.

Me ka 'o ia 'i'o!

Pomaikalani Bertelmann

Waimea-Kamoku, Hawai'i

Ku Kia'i MAUNA

Pomaikalani Bertelmann

1(808)430-4242

"He wa'a he moku, he moku he wa'a...On the canoe, think island - on the island, think canoe"