

BOARD OF LAND AND NATURAL RESOURCES

HAWAIIAN KINGDOM

CONTESTED CASE HEARING RE CONSERVATION)	CASE: BLNR-CC-16-002
DISTRICT USE APPLICATION (CDUA) HA-3568)	
FOR THE THIRTY METER TELESCOPE AT THE)	RESPONSE TO PERPETUATING
MAUNA KEA FOREST RESERVE PROCLAMATION)	UNIQUE EDUCATIONAL OPPORTUNI-
JUNE 1909 RENAMED MAUNA KEA SCIENCE)	TIES, INC.'S PROPOSED MINUTE
RESERVE, KAOHE MAUKA, AHUPUA'A OF)	ORDER MOTION TO SET ISSUES;
HAMAKUA HAWAIIAN KINGDOM, REIDENTI-)	CERTIFICATE OF SERVICE
FIED AS TAX MAP KEY (3) 4-4-015:009)	

Come now Living Heir/Proper Party/Petitioner, Stephanie-Malia-Tabbada, living heir of blood Ko Hawaii Pae Aina, non combatant, fruit of this aina from time immemorial through my geneology, not of any fictitious corporation assumed or presumed to be, sayeth with all rights reserved,

1. I have not seen a Minute Order issued by the Hearings Officer or BLNR Board authorizing a party/CORPORATION, INC. to this litigation, PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES INC. to set the Motion to SET ISSUES for this said Contested Case Hearing. I hope it is only a suggestion and not set in stone.

2. The issues presented are based on responses directed to this Corporation and is seen as retaliatory to those who voiced their concerns. The Hearing's Officer from the inception of this Contested Case stated, she wanted to hear from everyone.

3. The issues as questions presented by this Corporation's representative had five to be addressed at the Contested Case Hearing. Why wasn't his interpretation of these questions made known for us to respond to. The issues are vague and subject to interpretation.

4. On the issues this Corporation finds will not be addressed in this contested case hearing, I **Object to and feel these issues must be addressed**

a. Art 12 Sec 7 states, The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to "regulate" such rights [Add Const. Con. 1978 and election Nov. 7 1978]

The State must define (1) rights, define (2) customarily, define (3) traditionally exercised, define (4) cultural, define (5) religious purposes, define (6) ahupua'a tenants, define (7) native Hawaiians, and define (8) "subject to the right of the State to "regulate" such "rights"

This is important to we the living heirs, fruits of this land, not created corporations, being parties to this entire process. Our rights cannot be assumed or presumed. This presents a problem and I need to clarification from this department and those representing the State.

Received
Office of Conservation and Coastal Lands
2016 Sept 19 10:00 pm
Department of Land and Natural Resources
State of Hawaii

b. Existence of the Hawaiian Kingdom, this too, must be addressed, why? The lands, Crown and Government Lands in question of the so called "Public Trust", must also be defined. I understand Crown Lands - *Crown Lands~The King was not obliged to go to the land commission for awards or patents of his own lands, even for commutation purposes*, Harris v Carter, 6H., 195, 204 (1877); *Since 1865, when crown lands were declared inalienable*, Brown v Spreckels, 14 H. 399, 405 (1902) Crown Lands were for the King and heirs forever. It was for his, Kamehameha III, personal domain and he supported Ko Hawaii Pae Aina.

Government Lands - this was created after 1893 and continues today to provide for the needs of the "general Public"

c. Challenges to the legal status of the State of Hawaii? The State law states in part, "Hawaiian nationals are hereby recognized as the authentic heirs, beneficiaries, and body politic of the Hawaiian Kingdom, a nation in continuity; and the "Hawaiian National (subjects)" is not synonymous with the term "Native Hawaiian", which was coined by the United States Congress to narrowly define Hawaiians according to aboriginal "blood Quantum"; and pursuant to Hawaiian Kingdom Laws, international treaties and conventions, the Law of Nations, and all other standards relating to nationality, Hawaiian Nationals (subjects) are citizens of the Hawaiian Kingdom, living in their own country/homelands, the Hawaiian Islands, and **ARE NOT CITIZENS OF THE UNITED STATES OR "RESIDENTS" OF THE STATE OF HAWAII;.... YOUR LAW STATED THAT HAWAIIAN NATIONALS (SUBJECTS) THAT "THE STATE COMMITS TO UPHOLD THE LAWS REGARDING NATIONALITY-BASED DISCRIMINATION, AND TO ENCOURAGE THE COURTS AND LAW ENFORCEMENT AGENCIES IN THE STATE TO CEASE ALL HARASSMENT AND PROSECUTION OF HAWAIIAN NATIONALS (SUBJECTS).... WHAT IS HAPPENING HERE?**

5. OTHER ISSUES OF CONCERN:

1. Under 91-14(g) Reviewing agencies decision making, questions on the approval process:

- a. Is this CDUA in violation of Constitutional or Statutory provisions?
- b. In excess of the statutory authority or jurisdiction of the agency? or
- c. Was it made upon an unlawful procedure?

2. Under 91-3 questions to mitigate

a. Section 2(a) inclusion of the standard conditions in HAR 13-5-42, it does not permit the BLNR Board to mitigate the impact of the proposed land use to qualify the applicant for the CDUA permit;

b. Section 2(c) the Board cannot interpret its own rules in a way that it includes provisions not otherwise permitted by its rules;

3. Under BLNR - Art. XI /Sec. 1, Hawaii State Constitution & The Public Trust
"For the benefit of present and future generations the State and its political subdivisions shall **conserve** and **protect Hawaii's natural beauty** and **all NATURAL RESOURCES INCLUDING LAND, WATER, AIR MINERAL AND ENERGY RESOURCES.....**

WHAT PART OF THE WORD NATURAL INCLUDES MAN MADE & (DESTRUCTION OF THE)NATURAL BEAUTY? IS IT FOR THE BENEFIT OF THE RESIDENTS OF THE STATE OF HAWAII ONLY?

4. WHAT IS THE PUBLIC TRUST AND WHO WAS IT SET UP FOR? SINCE THERE IS A DIFFERENCE BETWEEN THE HAWAIIAN NATIONALS (OR SUBJECTS) AND CITIZENS OF THE RESIDENTS OF HAWAII, WHO IS IT FOR? THE HEIRS OF THOSE OF THE PAST, FROM THE SCENE OF THEFT TAKEOVER OR IS IT FOR THOSE AFTER STATEHOOD?

5. WHERE IN THE HAWAII STATE CONSTITUTION STATES, THE STATE OF HAWAII OWNS THE CROWN AND GOVERNMENT LAND. PRIVATE OWNERSHIP AND PRESUMED PUBLIC LANDS, DOESN'T EQUAL TO BE PUBLIC, WHERE'S THE CONTRACT?

6. THE QUESTION OF LAND TITLES, WE NEED TO SEE AUTHENTIC DOCUMENTS SHOWING LAND TITLES BY THE STATE OF HAWAII, FEDERAL GOVERNMENT OF THE UNITED STATES, THAT ARE MORE SUPERIOR THAN THE ALODIAL TITLES OF THE MAHELE FOR THE HAWAIIAN KINGDOM. UNTIL EVIDENCE IS NOT PRODUCED, THIS MUST REMAIN AN ISSUE, FOR THE LAND IS THE FOUNDATION. THE MOTTO OF THE STATE IS "**UA MAU KE EA OKA AINA I KA PONO**" *my Mother, Keaupuniokekaialiokamokupuni translated as, "PERMANENT IS THE BREATH OF THE LAND IN RIGHTEOUSNESS."*

7. WHO ARE THE TRUE PARTIES IN THIS LITIGATION?

DATED: THIS 19TH DAY OF SEPTEMBER, IN THE YEAR OF OUR LORD, 2016.

Electronically Submitted with All Rights Reserved

Stephanie-Malia:Tabbada
Living Heir/Proper Party/Petitioner

Board of Land and Natural Resources

Hawaiian Kingdom

CERTIFICATE OF SERVICE

Contested Case Hearing RE Conservation) BLNR Contested Case Hearing HA-16-02
District Use Application (CDUA) Ha-3568)
for the Thirty Meter Telescope at the Mauna)
Kea Forest Reserve Proclamation June 1909) CERTIFICATE OF SERVICE
renamed Mauna Kea Science Reserve,)
Kaohe Mauka, Hamakua, Ahupua'a of)
Hamakua, Hawaiian Kingdom, reidentified)
as TAX MAP KEY (3)4-4-015:009)
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The undersigned hereby certifies that the above referenced document was served upon the following parties by means indicated:

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by: Stephanie-Malia:Tabbada

Dated: September 19, 2016