

Lanny Alan Sinkin
[address redacted]

May 28, 2016

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, Hawai'i 96813

Re: Motion to Intervene in Case No. BLNR-CC-10-002

By means of First Class Mail and email, I am sending you the Temple of Lono Motion to Intervene; Memorandum in Support of Motion; Declaration of Tahuna Frank Kamehameha Tamealoha Anuumealani Nobriga with Exhibits; and Certificate of Service.

For the Temple of Lono,

Lanny Alan Sinkin
Lay Representative

Lanny Alan Sinkin
[address redacted]

Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF	) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation	) Temple of Lono's Motion to Intervene;
District Use Permit (CDUP) (HA-3568 for	) Memorandum in Support of Motion;
The Thirty Meter Telescope at the Mauna	) Declaration of Tahuna Frank
Kea Science Reserve, Kaohe Mauka,	) Kamehameha Tamealoha
	) Anuumealani Nobriga with
Hamakua District, Island of Hawai'i,	) Exhibits; Certificate of Service
TMK (3) 4-4-015:009)
_____)

TEMPLE OF LONO'S MOTION TO INTERVENE

NOW COMES the Temple of Lono, a traditional faith in the Hawaiian Civilization with an unbroken practice extending to this time, by and through its lay representative, Lanny Alan Sinkin, and, pursuant to Hawai'i Administrative Rules ("HAR") § 13-1-31, hereby respectfully moves the Board of Land and Natural Resources or the Hearings Officer¹ for an order granting the Temple of Lono's request to intervene in the above-captioned contested case hearing. This motion should be granted because:

¹ Petitioner takes note of the controversy surrounding the selection process used by the BLNR for choosing the hearings officer, the revelations of at least the appearance of a conflict of interest on the part of the hearings officer, and the calls by both proponents and opponents of the requested permit for the hearings officer to step down.

(1) Tahuna Frank Kamehameha Tamealoha Anuumealani Nobriga is the Tahuna of the Temple of Lono. As such he has a unique understanding of the traditional Hawaiian faith and the application of that faith to the spiritual issues that are likely to be raised in this case.

(2) Based on his unique, comprehensive, and relevant knowledge concerning the traditional faith of the Hawaiian Civilization, the Tahuna is entitled to mandatory intervention under HAR § 13-1-31(b)(2) because desecration of Mauna a Wākea will directly affect the Temple of Lono, both as a violation of a sacred space and as an act in furtherance of a long-pursued campaign to suppress the traditional faith of the Hawaiian people.

(3) Alternatively, the BLNR should grant discretionary intervention pursuant to HAR § 13-1-31(c) because the Temple has a substantial interest in this case and the Tahuna is the only person qualified to represent that interest.

DATED: May 28, 2016, Kurtistown, Hawai'i

Lanny Alan Sinkin
Lay Representative

Lanny Alan Sinkin
[address redacted]

Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

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Hamakua District, Island of Hawai'i,))	
TMK (3) 4-4-015:009))	
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TEMPLE OF LONO'S MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE

There is now a general understanding that the issues related to the construction of the Thirty Meter Telescope (TMT) include the spiritual issues raised by practitioners of the traditional faith of the Hawaiian civilization. See e.g. "Another crimp in the case"; Hawaii Tribune Herald, Thursday, May 26, 2016 at A5 ("The contested case involves the original six petitioners, mostly Native Hawaiian cultural practitioners who oppose the construction of the large telescope on what they say is sacred ground on Mauna Kea, and the applicant, UH-Hilo.")

An organization seeking intervention was specifically created to support the TMT by claiming to represent "Native Hawai'ian beliefs" and claiming that those beliefs support the construction of the TMT. See Perpetuating Unique Educational

Opportunities, Inc.'s Motion to Intervene, Memorandum in Support at 5 and 9 dated May 16, 2016;

Given that issues related to the Traditional Hawaiian Faith are going to be an essential part of the contested case and that there are organizations claiming to represent that faith seeking to participate, there could hardly be a party more qualified to participate than an actual Tahuna of a Traditional Hawaiian Faith. Mandatory intervention is called for when the petitioner "will be so directly and immediately affected by the [contested case] that [the petitioner's] interest in the proceeding is clearly distinguishable from that of the general public." HAR § 13-1-31(b)(2).

This memorandum is accompanied by a Declaration of the Tahuna and Exhibits to that Declaration that clearly demonstrate the legitimacy of his position, the depth of his understanding, the adverse impacts of the TMT proposal on his faith, and his right to be granted intervention status. See Declaration of Tahuna Frank Kamehameha Tamealoha Anuumealani Nobriga and Exhibits thereto.

If the obvious requirement to grant the petition to intervene as mandatory is not recognized by the BLNR, then granting permissive intervention pursuant to HAR § 13-1-31(c) is called for by the Temple's unique perspective, knowledge and substantial interest in the case.

For the above and foregoing reasons, the petitioner's request to intervene should be granted.

Dated: May 28, 2016

Respectfully submitted,

Lanny Alan Sinkin
Lay Representative
for the Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF	)	Case No. BLNR-CC-16-002
)	
A Contested Case Hearing Re Conservation)	)	Declaration of Tahuna Frank
District Use Permit (CDUP) (HA-3568 for )	)	Kamehameha Tamealoha Anuumealani
	)	Nobriga with Exhibits A, B, and C
The Thirty Meter Telescope at the Mauna))	
Kea Science Reserve, Kaohe Mauka,))	
Hamakua District, Island of Hawai'i,))	
TMK (3) 4-4-015:009))	
_____))	

**DECLARATION OF TAHUNA FRANK KAMEHAMEHA TAMEALOHA
ANUUMEALANI NOBRIGA**

1. I, Frank Kamehameha Tamealoha Anuumealani Nobriga, do declare the following to be true and correct:

2. I am the Kahuna of the Temple of Lono.

3. The Temple of Lono is the men’s temple of the Traditional Hawaiian Faith.

4. The Foundation of the Faith is the Four Gods – the Ocean, the Sun, the Earth, and the Fresh Water. See Exhibit A.

5. The Teaching Symbols of the Faith are the Square, representing the Four Gods; the Circle, representing the Ha or breath of God; and the Triangle, representing the Ancestors, the source of knowledge.

6. The Triangle is also the symbol of the central teaching for Human Beings: look into yourself , look at the Source, and look at the spiritual halo within.

7. These teachings are very simple and very deep, requiring years of self-exploration to determine their meaning for each individual.

8. Mauna a Wākea is the physical manifestation of the Triangle, standing as the highest reminder of the Faith.

9. That is why Mauna a Wākea is sacred in the Traditional Faith.

10. The peak of the Mauna is also especially sacred to the Temple of Lono because the waters that fall on the Earth to sustain life – the tears of Heaven – first touch the top of the Mauna.

11. The Temple of Lono has a long standing involvement with the issue of sacred lands, particularly those forming a part of the spiritual land base of the faith.
12. The Temple of Lono has a long standing involvement with those objecting to the desecration of Mauna A Wākea by the construction of telescopes. See Exhibit B.
13. The Temple of Lono and the Hale O Papa (women's temple) issued a statement related to the current controversy over the proposal to build the Thirty Meter Telescope on Mauna a Wākea. Exhibit C.
14. When the Office of Mauna Kea Management issued rules restricting traditional spiritual practices on Mauna a Wākea in an attempt to shut down opposition to the Thirty Meter Telescope, I filed suit in Federal Court challenging the absence of due process in the adoption of the restrictions and the unconstitutional nature of the restrictions.
15. The Office of Mauna Kea Management withdrew the challenged regulations shortly after I filed suit.
16. When the Board of Land and Natural Resources also attempted to impose restrictions on traditional spiritual practices in an effort to further the Thirty Meter Telescope, I amended the Federal suit to include those regulations.
17. In a separate legal action, a state court judge struck down the BLNR regulations.
18. In the eyes of the Temple, the disrespect shown for the traditional faith of the Hawaiian people is a matter of record for more than 100 years and most recently found expression through State of Hawai'i actions that either suppressed the traditional faith, limited traditional faith practice, or relegated traditional faith practitioners to a second class citizenship unprotected by the Constitution and laws of the United States.

Frank Kamehameha Tamealoha Anuumealani Nobriga

Dated: May 27, 2016

Exhibit A to Declaration of Frank Kamehameha Tamealoha Anuumealani Nobriga
dated May 27, 2016

KE A'O LOKO O LONO
(THE INNERMOST KNOWLEDGE OF LONO)

As haumana of the Temple of Lono, we have come to know and understand the knowledge of the staff of life, pa halau o te atua, maiola (healing light, the knowledge of the temple) and aumakua (huna mana – ancestral worship, the source of knowledge) as the root and bone of Hawaiian spiritualism based on the Pu'uhonua and its sovereignty. The time has come to share our mana'o.

The foundation of the pre-contact traditional Hawaiian religion as passed down orally from Mahea O Kalani Lono O Ka Makahiki and Kahuna Nu Pali Ku Samuel Hoopii O Kalani Lono o Ka Makahiki Po Paki, is Pa Halau O Te Atua (the foundation of the four gods – Ku, Kanaloa, Lono, Kane). We of the Temple of Lono believe in the four gods as the foundation of traditional Hawaiian religion.

KU, the god of the ocean, should not be confused with the Western interpretation of Kamehameha's aumakua Kukailimoku. Ku is chronologically recognized first in the relationship to the staff of life. From the ocean our evolutionary life began and we continue to receive sustenance from this source. We reverence the ocean as a natural force that can give life and take life. HE TU, HE TU, ATEA TE TAI O TU.

KANALOA, is the god of the sun, whose light gives energy to all living things on earth; whose source of heat evaporates the waters on earth. KANALOA spins the clouds in the atmosphere. We reverence the sun as a natural force that can give life and take life. HE TANAROA, HE TANAROA, LAU WILI E TA OHU.

LONO is the god of the 'aina that provides the staff of life for man; whose magnetic force draws down the water of life from the clouds down to earth creating an abundance of food for all living things. "Oh LONO of the air, you speak in many ways soft or wild you sound through birds and trees. Your revered music rings through waterfalls. Let us see you and let us hear you so that our source is as real as ourselves. Warm and brown and filled with seeds awaiting, may the sacred soil bring forth sweet fruit foods to strengthen and sustain us as we work. Oh LONO your face is seen in earth and rock." We reverence the 'aina as a natural force that can give life and take life. HE RONO, HE RONO, HE ULU TA MEA AI I TA POE HONUA.

KANE, the god of fresh water, completes the Kumulipo of the four gods. We reverence fresh water as a natural force that can give life and take life. HE TANE, HE TANE, TAHE TA WAI I TE TUAHIWI, HE RURI RURI I TA PO'O A TU, A TEA TE TAI O TU.

As we reverence earth, air, fire and water, may we each know and be Kumulipo.
Receive and wisely use the huna mana and together we enjoy th reign of Mu.

Samuel Lono
TEMPLE OF LONO

Exhibit B to Declaration of Frank Kamehameha Tamealoha Anuumealani Nobriga
dated May 27, 2016

From the Desk of Lanny
Sinkin
[email redacted]
April 27, 2015

Faith and the Mountain

The proposal to build the Thirty Meter Telescope on Mauna Kea takes place in a context of opposition to such telescopes stretching back for years. The Kahuna of the Temple of Lono asked me to share part of that history.

Ten years ago, well-known activist Hanalei (Hank) Fergerstrom helped to organize opposition to the construction of six extensions, known as outriggers, to the Keck Telescope on the sacred mountain of Mauna Kea.

For many years and over numerous objections, the University of Hawaii had been leasing lands at the peak for the construction of telescopes. The outriggers were the latest telescopes being proposed.

Hank came to the Temple of Lono to request assistance in protecting the mountain from the abuse of the telescopes.

{ For insights into this faith, I would encourage you to read:
<http://kingdomofhawaii.info/wp-content/uploads/2015/04/Temple-of-Lono-and-Hale-O-Papa.pdf> }

For the Temple, the triangle (Ānu'u) of the mountain represented the ancestors, the highest source of wisdom.

The Temple responded that the appropriate way for Hank to ask assistance of the Ancestors would be to go into the Pu'u honua O Honaunau at sea level, lands now within the United States National Park Service (NPS). As the Kahuna put it, the proper order was to lay the foundation within the Pu'u honua before putting on the roof (Mountaintop).

The Temple provided guidance to Hank on the nature of the ceremony that should take place. That ceremony would include Moe Uhane and Hoike Po.

As part of that process, Hank notified the NPS that the Temple would be holding a ceremony within the Pu'u honua

Later Hank called me to say that, in response to his notification, the NPS sent Hank an application for a permit to hold an event within the Pu'uhohua. He requested my legal opinion about the need for such an application.

I advised Hank that the Temple should not fill out the permit application. In my opinion, the Temple had a right, protected by the First Amendment to the United States Constitution, to practice their faith at their sacred site without asking permission of the United States Government. I suggested that the Temple send the NPS nothing more than a courtesy notice of the date and time of the Temple's visit.

Subsequently, I received a call from Palani Nobriga, the Kahuna of the Temple of Lono. I learned that the Temple never asked permission to practice its faith. The Temple would proceed with their ceremony without requesting a permit.

He invited me to attend the ceremony. I believe that everyone, including me, understood that my participation would be as an attorney prepared to challenge any attempt by the NPS to prevent the Temple from holding its ceremony.

The day of the ceremony, I was invited to participate as a haumana (student) of the Temple. The Kahuna, Hank, Keoni Choi, Kalei Victor, Jim McCrae, and myself participated in the ceremony.

The ceremony began with a procession from our campsite in the back of the Pu'uhonua to the Hale O Keawe (House of the Keawe Family) where the altar was located. The lead person blew the pū (conch shell) to call the Ancestors to witness what was happening.

Then came two others carrying long bamboo poles. These poles carried the flags of the Temple of Lono with the symbols of the sacred teachings.

Kahuna Nui Pali Ku Samuel Hoopii O Kalani Lono O Ka Makahiki Po Paki had created the flags, which contain symbols and colors, as a teaching tool for the next generation.

Then I followed with the offering bowl filled with fruit.

The last two completed the procession, with Jim stepping out occasionally to film the procession.

At the Hale O Keawe, we stood the flag poles up against the fence around the Hale and attached them with bungee cords. This ceremony was only the second time that the flags of the Temple had been raised.

Practitioners then removed the gate to the Hale and entered the area where the offering platform and the altar stood.

When the ceremony was complete, the practitioners left the Hale O Keawe to return to our campsite. We left the flags flying at the Hale O Keawe.

Soon thereafter, two Park Rangers came to ask whether we had put up some flags on the Hale O Keawe. They said that the flags looked very contemporary and not like a traditional spiritual practice.

The Kahuna reminded them that the Catholic Church used to hold mass in Latin and now used English.

The Rangers left.

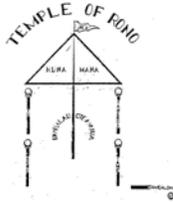
As it turned out, throughout the entire ceremony, even with the pū blowing, none of the Park Rangers had seen what we were doing.

While there is much more to tell of this tale, the ultimate outcome was that the outrigger telescopes were cancelled.

<http://www.newscientist.com/article/dn9702-judge-reverses-permit-for-new-hawaiian-telescopes.html#.VS4hXGa4NcQ>. That cancellation was nine years ago.

Hank is now back on the mountain providing guidance to those protecting the sacred mountain from yet another telescope. For the Temple and the people who came every year for seven years asking the Ancestors for help, the ceremony ten years ago was just the beginning. As it is said, once you ask the Ancestors for help, you cannot call it back. The work to prevent the abuse of the Ānu'u continues.

Exhibit C to Declaration of Frank Kamehameha Tamealoha Anuumealani Nobriga
dated May 27, 2016



A Message from the Temple of Lono
And the Hale O Papa

A member of the Human Family emerges from darkness to take a place in the chain of life.

Human survival relies upon the fertility of the land and the oceans.

The Gods were Ku (the Ocean), Kanaloa (the Sun), Lono (the Earth) and Kane (the fresh water). These Gods established the faith and foundation upon which our customs and civilization were built. These four Gods give breath to all things and provide the staff of life to feed all of us. Because the essential role of food is preserving and sustaining life, we worship food. That is why our temples are square, a constant reminder of the faith in these four elements.

As an island people, we would always need a secure source of food. The land dedicated to growing food was cultivated as a sacred responsibility and protected and honored as a center of peace within the greater civilization. This land is the Pu'uhonua. The life of the land is preserved in righteousness.

The kuleana: The areas of responsibility. The King had the power to take a life. The Tahunas were the priests, the doctors, and the teachers. The maka'ainana were the people who kept the garden healthy and productive for seven generations.

The Hawaiian understanding of the hydrologic cycle served to inform the unfolding of the religion, a personal matter --- the huna mana for each household to pursue in a form that suited their avocation, first as an 'ohana and then their role in the garden. The study of the Gods led to an intricate and deep understanding of natural processes. We had more than a thousand years of observation.

Thus, when the missionaries arrived in the islands, they encountered a very sophisticated civilization founded on a strong faith rooted deeply in the people's understanding of natural processes. On that foundation of faith, the Hawaiians had developed a complex social system suitable for an island civilization and a

highly effective economic system that sustainably supported hundreds of thousands of people.

While there were acts that Hawaiians considered wrong and even evil, there was no Devil in the islands. The missionaries taught the Hawaiians to believe in the Devil, superimposed the missionary Devil on to the traditional Hawaiian faith, and then taught the Christian Hawaiians to turn against their own faith as proof they rejected the Devil. The suppression included the passing of the Moe Kolohe Law, which banned numerous practices and customs, including the worship of ancestors – a central tenet of the faith. This law still stands. The passing of such a law today would be equivalent to forbidding our Asian brothers and sisters to hold Bon dances that honor their ancestral dead.

The suppression of the traditional faith has been a long-standing practice of the State of Hawaii. In a country that prides itself on the freedom of religion, this interplay of traditional faith with state disrespect is nothing new to the Temple of Lono and the faith of our people. The Temple found out a long time ago that the State of Hawaii does not think we are a people of faith. If they did our Temples wouldn't be historical sites for tourists.

In 1978, based on the passage of United States Public Law 95-341, the Temple of Lono emerged from decades of suppression to reclaim the Pu'uhonua Lehua at Kualoa. For this law said that we, as a people of faith, had the right to our sacred lands. The Temple rebuilt the Ma Pele at Kualoa to reconnect with the practice of Moe Ohane — talking to our ancestors.

The State of Hawai'i brought in its bulldozers to destroy Sam Lono's work and arrested him for camping without a permit. After years of forcing him through one court proceeding after another and spending hundreds of thousands of public dollars, the State levied a \$5 fine for the offense.

Do you see the people being arrested now on Mauna Kea because they are trying to protect that sacred mountain from the destructive actions of those seeking to put yet another telescope on sacred land?

The challenge is not about lease payments or terms. The challenge is about the right of a faith to be respected and practiced in its own homeland. The altar of the Temple of Lono is still in place at the Hale O Keawe in the Pu'uhonua O Honaunau. That Pu'uhonua, however, is now part of a national park operated as a tourist attraction by the United States National Park Service. The Temple is "allowed" to go into the Pu'uhonua to hold ceremony subject to the limitations of the park on the time and duration of worship.

The failure of the occupying power and even our own people to recognize the traditional faith of our people calls for a reconciliation. That reconciliation includes

the recognition of the key role that the Pu'uhonua played in establishing the jurisdiction of the Kingdom.

Watching the Hawaiian landscape, the Temple of Lono witnessed various people stepping forward to reclaim the position of King or Queen. One measure of the validity of such a claim would be their relationship with the Pu'uhonua.

Only one embraced that relationship by acknowledging that the King's kuleana is based on the foundation of the Pu'uhonua. King Edmund Keli'i Silva, Jr. claimed his rightful position as protector and sovereign over the Pu'uhonua O Honaunau. The King put the issue of restoring the sacred land base directly before the National Park Service.

The King announced his intention to enter the Pu'uhonua and remain there for an extended period to engage in spiritual practice, seek reconciliation, and confirm his claim to the spiritual land base.

The response was to threaten to arrest the King should he over stay the time period the National Park Service would allow him to enter and remain on the Pu'uhonua.

The foundation of the faith in the Pu'uhonua reaches to the heights of Mauna Kea. From the sustenance of food provided by the Pu'uhonua to the realm of the Gods on Mauna Kea, the faith encompassed all.

When the time is right, the King, supported by the Temple of Lono and others who recognize the need to reconcile the religious schism created within the Hawaiian community by the teachings of the missionaries, will enter and reclaim the Pu'uhonua. On that day, a great step forward will take place in renewing the civilization that once provided an example of wise stewardship of our Earthly Garden.

Tahuna Frank Kamehameha Tamealoha Anuumealani Nobriga
Temple of Lono

Darlene Pabre
Hale O Papa

Lanny Alan Sinkin
[email redacted]

Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF)	Case No. BLNR--CC--16--002
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Kea Science Reserve, Kaohe Mauka,)		
Hamakua District, Island of Hawai'i,)		
TMK (3) 4--4--015:009)		
_____)		

CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the Motion to Intervene; Memorandum in Support of Motion to Intervene; and Declaration of Tahuna Frank Kamehameha Tamealoha Anuumealani Nobriga with Exhibits were served on the following parties by first class mail:

Julie H. China
Deputy Attorney General
Department of the Attorney General
465 South King Street, Room 300
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Counsel for Board of Land and Natural Resources

Riki May Amano
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Hearing Officer

Richard N. Wurdeman
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1003 Bishop Street, Suite 720
Honolulu, Hawai'i 96813

Attorney for Mauna Kea 'Aina Hou; Clarence Kukauakahi Ching; Flores-Case
'Ohana; Deborah J. Ward; Paul K. Neves; and KAHEA: The Hawaiian
Environmental Alliance

Dated: May 28, 2016

Lanny Alan Sinkin