



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:**

1. 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

2. 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.
3. 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.
4. 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.

A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Flores-Case 'Ohana (E. Kalani Flores, B. Pualani Case, Hawane Rios, & Kapulei Flores)	2. Contact Person E. Kalani Flores	
3. Address P.O. Box 6918	4. City Kamuela	5. State and ZIP HI 96743
6. Email ekf808@hawaiiantel.net	7. Phone 808 936-4379	8. Fax

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

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**C. SUBJECT MATTER**

**17. Board Action Being Contested**  
 Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope by the University of Hawaii at Hilo, at Mauna Kea Science Reserve, Ka`ohe Mauka, Hamakua District, Island of Hawai'i, TMK: (3) 4-4-015:009

**18. Board Action Date**  
 February 25, 2011

**19. Item No.**  
 K 1.

**20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action**  
 The petitioner, includes family members of the Flores-Case 'Ohana, who have a direct connection particularly to Mō'oinanea, nature spirit and guardian of Lake Waiau as well as other ancestral akua (gods, goddesses, deities) and spirits connected to and/or presently residing on the summit of Mauna a Wakea (also referred to as Mauna Kea). In the various supporting documents referenced in this CDUA, there are numerous references regarding the ancestral akua and spirits such as Mo'oinanea along with their connections to the sacred landscape on the summit of this mountain. However, these ancestral akua and spirits have never been previously consulted regarding this and other projects on this sacred mountain. Therefore, they wish their expressed concerns to be disclosed. As such, members of the Flores-Case 'Ohana intend to serve as intermediaries to provide testimony on behalf of those who have prompted the Flores-Case 'Ohana to present their concerns regarding this project and past development on the summit of Mauna a Wakea.

In addition, members of the Flores-Case 'Ohana continue to exercise their traditional and customary Kanaka Maoli (Native Hawaiian) cultural, spiritual, and religious practices on Mauna a Wakea. Thus, the proposed project will have a direct impact upon the afore-mentioned practices.

**21. Any Disagreement Petitioner May Have with an Application before the Board**  
 A Conservation District Use Permit (HA-3568) for the proposed Thirty Meter Telescope (TMT) should not be granted at this time for the following reasons.

The TMT Final Environmental Impact Statement (2010), Comprehensive Management Plan of Mauna Kea (2009), Mauna Kea Science Reserve Master Plan (2000), and other documents utilized to substantiate this CDUA have all failed to consider and/or disclose the adverse impacts of this proposed project upon the ancestral akua (gods, goddesses, deities) and spirits connected to the summit of Mauna a Wakea. In addition, consultation and direct communication between intermediaries and those of the ancestral realm associated with these places was not done by previous projects and the present applicant.

Thus, without this disclosure and consultation, this CDUA is incomplete and deficient. As such, this permit should not be approved at this time.

**22. Any Relief Petitioner Seeks or Deems Itself Entitled to**  
 That the BLNR:

REJECT AND NOT APPROVE this CDUA at this time; and instead

GRANT Petitioner Flores-Case 'Ohana standing in this proceeding and CONDUCT a full contested case hearing on this CDUA.

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

Participation in this proceeding would provide insight not previously disclosed in this CDUA or any other supporting documents pertaining to this project. This information is significant in order to avoid obstructing the piko/portal on the summit of Mauna a Wakea that connects with Ke Akua (The Creator) and 'Aumakua (Ancestors). This is a major portal for the life forces that flow into this island. The proposed project has the potential to create a physical and/or spiritual disturbance, disconnection, or imbalance between man and his akua, and between man and his environment. As such, the proposed land use will be detrimental to the public health, safety and welfare.

The proposed construction will affect the weather patterns on the mountain and surrounding areas. In addition, the impacts of the proposed construction of that immensity on an area once pristine, still the purest, the most sacred of all of Hawai'i will bring much change, none of which will be positive for the health and well being of this island and the general public.

**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**

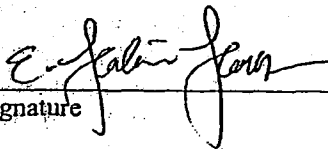
The petitioner, the Flores-Case 'Ohana, have a substantial interest in this matter. Likewise, they have a direct connection to ancestral akua (gods, goddesses, deities) and spirits of Mauna a Wakea and intend to serve as intermediaries to provide testimony on behalf of these ancestral akua and spirits who have prompted the petitioner to present their concerns regarding this project and past development on this summit especially since the applicant has failed to previously consult with them. It is evident that the petitioner's interest in this proceeding is clearly distinguishable from that of the general public.

In addition, members of the Flores-Case 'Ohana can demonstrate that their traditional and customary Kanaka Maoli (Native Hawaiian) cultural, spiritual, and religious practices on Mauna a Wakea will be directly and immediately affected by the proposed project.

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.

E. Kalani Flores  
Petitioner or Representative (Print Name)

  
Signature

Feb. 23, 2011  
Date



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A. PETITIONER		
(If there are multiple petitioners, use one form for each.)		
1. Name Mo'oinanea et al. (represented by E. Kalani Flores & Kapulei Flores)	2. Contact Person E. Kalani Flores	
3. Address P.O. Box 6918	4. City Kamuela	5. State and ZIP HI 96743
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**20. Nature and Extent of Petitioner's Interest That May Be Affected by the Board Action**

The petitioner, Mo'oinanea, nature spirit and guardian of Lake Waiau presently resides on the summit of Mauna a Wakea. She has been a significant figure in both oral and written traditions. In the TMT FEIS document, there are numerous references regarding the ancestral akua and spirits such as Mo'oinanea along with their connections to the sacred landscape on the summit of this mountain. However, she has never been previously consulted regarding this and other projects on this sacred mountain. Therefore, she wishes her expressed concerns to be disclosed.

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

A Conservation District Use Permit (HA-3568) for the proposed Thirty Meter Telescope (TMT) should not be granted at this time for the following reasons.

The TMT Final Environmental Impact Statement (FEIS) is an incomplete document as it has failed to consider and/or disclose the adverse impacts upon the ancestral akua (gods, goddesses, deities) and spirits connected to the summit of Mauna a Wakea.

Thus, without this disclosure and consultation, this FEIS is incomplete and deficient. As such, this permit should not be approved at this time.

**22. Any Relief Petitioner Seeks or Deems Itself Entitled to**

Non-approval of this CDUA at this time.

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

Participation in this proceeding would provide insight not previously disclosed in this CDUA.

This information is significant in order to avoid obstructing the piko/portal on the summit of Mauna a Wakea that connects with Ke Akua (The Creator) and 'Aumakua (Ancestors). This is a major portal for the life forces that flow into this island.

In addition, consultation and direct communication between intermediaries and those of the ancestral realm associated with these places was an essential and integral part of the process so as not to create a physical and/or spiritual disturbance, disconnection, or imbalance between man and his akua, and between man and his environment.

The proposed construction will affect the weather patterns that are the elemental forces connected with the ancestral akua and spirits on the mountain and of the surrounding areas. In addition, the impacts of the proposed construction of that immensity on an area once pristine, still the purest, the most sacred of all of Hawai'i will bring much change, none of which will be positive for the health and well being of this island and the general public.

**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**

This petitioner has a substantial interest in this matter, resides on the summit of Mauna a Wakea, and can demonstrate that she and others will be directly and immediately affected by the requested action. Likewise, her interest in the proceeding is clearly distinguishable from that of the general public.

This petitioner is further identified as an appropriate individual under the definitions of "Person" in Secion 13-1-2, HAR.

- 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.

E. Kalani Flores  
Petitioner or Representative (Print Name)

*E. Kalani Flores*  
Signature

Feb. 23, 2011  
Date