

[EXTERNAL] Exhibit L-1 (LNR 402: Kilauea Radio Repeater, Kaua'i, \$350,000 for FY 27) Roslyn Cummings

From Roslyn Cummings <roslyncummings@gmail.com>
Date Mon 7/20/2026 9:18 PM
To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

1. NOTICE OF SPECIAL APPEARANCE AND ASSERTION OF RIGHTS

I, Roslyn Cummings, a Wahine Maoli, Lawful Na Kanaka, Ho'oilina, Hoa'āina, Kanaka Maoli of the Island of Kaua'i, enter this formal Notice of Special Appearance. I appear strictly in a special appearance, not a general appearance. I do not submit to, acknowledge, or validate the general regulatory, proprietary, or fiscal jurisdiction of the State of Hawai'i over ancestral Ano Alodio land titles, water tables, or resources on the Island of Kaua'i. I appear solely to protect my person and my ancestral property rights, inherent property rights, inalienable rights from imminent, irreparable administrative injury, environmental shortcuts, and creeping quasi-divestiture.

I enter an absolute, non-negotiable legal objection to Agenda Item L-1 (Engineering Division Action) scheduled for the July 24, 2026 meeting [INDEX]. Specifically, I object to the Board's proposed action to delegate blanket authority to the Chairperson to procure contracts, award bids, and unilaterally declare Capital Improvement Program (CIP) projects completely exempt from environmental assessments under Exhibit L-1 [INDEX]. My objection isolates the specific appropriation listed on Page 2 of 10 of Exhibit L-1 under LNR 402: "Kilauea Radio Repeater, Kauai — Plans, design, and construction for equipment and appurtenances for the Kilauea Radio Repeater upgrades and associated equipment—\$350,000 allocated for FY 27." [INDEX] The Board lacks the lawful root of title to delegate the power to exempt this structural alteration from environmental and public scrutiny.

2. MEMORANDUM OF LAW

The United States Supreme Court in *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) established that the very essence of civil liberty consists in the right of every individual to claim the protection of the laws whenever he receives an injury. *Marbury* mandates that: *"The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right."* Vested rights to land, natural resources, and the ancestral landscape of Kaua'i are protected property attributes that run with the person and the soil. Any administrative rule or agency action repugnant to fundamental constitutional property rules is void *ab initio*.

Pursuant to modern state statutory mandates under Hawai'i Revised Statutes (HRS) § 1-1, the common law of Ko Hawai Pae 'Aina the Hawaiian islands is strictly bound by Hawaiian judicial precedent and established Hawaiian usage prior to November 25, 1892. The foundational organic laws of the Hawaiian Kingdom remain active, unextinguished property rules that protect the person and title of the Ho'oilina from arbitrary engineering overreach. The 1839 Declaration of Rights (*He Kumu Kānāwai*) establishes that the law secures absolute protection over life, limb and property of the people equally (*"Ua hoopaaia hoi ka palekana i na kanaka a pau, i ko lakou aina... aole hoi e laweia"*). The 1840 Constitution codified that the land and resources belong to the chiefs and the people in common (*"nona me na Lii a me ka poe makaainana paha i huiia"*). The 1848 Ka Māhele Nui strictly partitioned land resources subject to the unyielding restriction: *"Subject to the rights of native tenants"* (*"Ua koe nae na kuleana o na kanaka makaainana"*). All patents issued upon these divisions confirm a title of Ano Alodio. The 1850 Kuleana Act Section 7 (codified in HRS § 7-1) confirms that the people hold an absolute property right to running water, drinking water, usage of water (*"wai koli"*) which attaches directly to the lands and persons of the Hoa'āina. The 1852 Constitution (Article 14) explicitly prohibited any arbitrary divestiture of property or ancestral privileges without formal, open, and rigorous adjudication.

Under Article VI, Clause 2 of the United States Constitution (The Supremacy Clause), federal constitutional protections are the supreme law of the land, binding all state administrative boards. Article I, Section 10, Clause 1 (The Contract Clause) prohibits states from passing any law impairing the obligation of contracts. The original vested land patents confirming Kuleana lands, Ano Alodio title, Hawaiian Kingdom Crown Lands, Hawaiian Kingdom Government Lands, Konohiki Lands are supreme property, and the State cannot use internal board delegations to impair or rewrite the land and resource rights attached to those original titles. The Fourteenth Amendment prohibits the state from denying any person equal protection of the laws, or depriving any individual of life, liberty, or property without due process of law. Granting unilateral environmental exemptions to clear public funds for physical engineering over ancestral lands while imposing heavy procedural barriers on indigenous heirs constitutes a direct violation of equal protection and procedural due process.

The State of Hawai'i's police power is unified and subordinate to the Bill of Rights. Article I, Section 1 (Political Power) establishes that all political power is inherent in the people, meaning the BLNR is a subordinate administrative agent with zero standalone power. Article I, Section 4 (Freedom of Religion) guarantees that the natural landscapes and ancestral ecosystems are sacred, and changing or structurally altering these environments directly abridges the free exercise of religion by severing the living connection necessary to sustain traditional practice and customary Kuleana. Under Article VIII, Sections 1 and 2 of the State Constitution, the County of Kaua'i operates strictly as a political subdivision and a **quasi-governmental arm of the State of Hawai'i**. Because the county is a quasi-extension of the state, the state's police power is completely unified.

The local zoning laws, County General Plans, and municipal resource protections enacted by the County of Kaua'i carry the full weight of state-delegated authority. The Board of Land and Natural Resources cannot act as an isolated executive silo. One arm of

the state (the BLNR) cannot legally authorize a division or a private corporation to break, bypass, or override the localized resource protections that another arm of the state (the County of Kaua'i) is mandated to enforce under its General Plan.

Pursuant to **Article IX, Section 10**, the unified police power of the state is explicitly restricted. This section acts as a supreme mandate for the direct **protection of the property and the person** of the heirs. It explicitly commands the prevention of the "excessive deprivation of natural resources" and demands the absolute protection of all places of historic or cultural interest. Under the law, this mandates the absolute defense of the physical property and the health of the person against predatory, unvetted technological extraction.

Agenda Item L-1 seeks to strip na kanaka, ho'oilina, hoa'aina, kanaka maoli; inherent rights, ancestral rights, inalienable rights to review major capital engineering projects by granting the Chairperson unilateral authority to declare projects completely exempt from environmental assessments [INDEX]. This delegation applies directly to LNR 402, which allocates \$350,000 for plans, design, and construction of equipment and appurtenances for the Kīlauea Radio Repeater upgrades on Kaua'i [INDEX]. Under the Rule of Law and the Law of Evidence, the land and resource assets underlying Kīlauea are subject to unextinguished chain of title and origin under rule of law—protections of persons and property. To bypass an environmental assessment under the guise of an internal delegation is a bad-faith attempt at quasi-divestiture—a backdoor subtraction of inalienable, inherent, ancestral rights without an express treaty of cession, explicit legislative intent, and just compensation. Because the United States Congress admitted in the 1993 Apology Resolution (Public Law 103-150) "the indigenous Hawaiian people **never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national lands**, either through the Kingdom of Hawaii or through a plebiscite or referendum..." Because the State of Hawai'i lacks a lawful root of title or any formal cession of national lands, its administrative apparatus functions exclusively as an interim asset-management construct. Any administrative ambiguity in these plans and exemptions must be construed strictly in favor of the na kanaka, ho'oilina, hoa'aina, kanaka maoli.

3. AFFIDAVIT OF ROSLYN CUMMINGS

STATE OF HAWAII
COUNTY OF KAUAI

I, Roslyn Cummings, being first duly sworn upon oath, deposes and says:

1. I noho ao reside on Kaua'i Moku, a living breathing Wahine Maoli, a lawful Na Kanaka, Ho'oilina (Heir), Hoa'aina (Native Tenant), Kanaka Maoli o waiwai (natural resources, wealth, nutrients, imprint) of Kaua'i. The facts set forth in this affidavit are within my personal knowledge, and I am fully competent to testify to the same.
2. My ancestral rights mo'okuauhau, mo'olelo are inalienable rights and unextinguished inherent property rights track directly through unbroken genealogical chains to na kanaka, Ho'oilina, hoa'aina, kanaka maoli who lived, thrived, and cultivated the land systems of Kīlauea Ahupua'a, Ko'olau Moku prior to 1778, and whose land titles were formally confirmed as Private lands with usage outside of Hawaiian Kingdom Law. Crown land, Government land, and Konohiki land are secured by Hawaiian kingdom law against foreign control.
3. The proposed capital engineering project under Agenda Item L-1 and Exhibit L-1 for the LNR 402 Kīlauea Radio Repeater involves plans, design, construction, and structural installations that directly alter the physical, environmental, and ancestral landscape of Kīlauea, Kaua'i
4. As a kanaka, heir, kanaka maoli and hoa'aina, I possess ancestral rights, inherent rights, inalienable rights in ensuring the safety and protections of all ecological, customary, traditional cultural, and spiritual pili/pilina 'Aina, Wai, Piko, Kaiaola, Kaiaulu and 'Ohana. Any unvetted physical excavation, structural replacement, or electromagnetic installation at Kīlauea directly impacts my ancestral holdings, breaks the integrity of our cultural sites, and disrupts the safety of my person and property.
5. I have personal knowledge that the State of Hawai'i and this Board have failed to conduct a rigorous, independent environmental and cultural review that accounts for the origin of titles running with the soil at Kīlauea.
6. I execute this affidavit strictly under protest to protect my vested property interests and the safety of my person from imminent, irreparable administrative injury caused by the state's creeping quasi-divestiture of our resources.

FURTHER AFFIANT SAYETH NOT.

DATED: July 20, 2026

Roslyn Cummings, Affiant

4. DECLARATION OF STANDING

I, Roslyn Cummings, declare that I hold a direct, concrete inalienable rights, property rights, ancestral rights on Kaua'i. The \$350,000 capital procurement and structural execution for the LNR 402 Kīlauea Radio Repeater directly modifies the physical and environmental baseline of Kauai Moku [INDEX]. This physical infrastructure project directly threatens my property attributes, impacts ancestral trail and gathering networks, and alters the ecological and cultural matrix of Kīlauea.

My standing is anchored in Articles I through IX of the State of Hawai'i Constitution, the United States Constitution, and continuous Hawaiian common law usage preserved under HRS § 1-1. Under Article I, Section 4, I have standing to defend the sacred landscape from desecration to protect my free exercise of religion. Under Article I, Section 5, I have standing to demand strict procedural due process before any state action impacts a protected property interest. Under Article IX, Section 10, I am a preferred party with an absolute right to demand the prevention of the "excessive deprivation of natural resources" at places of historic or cultural interest. My standing does not originate from a state-created privilege, a civic permit, or an administrative status as a mere "beneficiary." My standing is an inherent birthright as a lawful Ho'oilina holding prior, unextinguished title. My appearance is limited strictly to a Special Appearance to defend my vested rights from administrative overreach.

5. DEMAND FOR FINDINGS

Pursuant to the Right to Petition, the Right to Redress, and the absolute Right to Due Process under the Rule of Law, I demand that this complete, unedited filing—including the Notice of Special Appearance, Memorandum of Law, Affidavit of Roslyn Cummings, and Declaration of Standing—be immediately placed into the official administrative record for the July 24, 2026 meeting as a permanent public record of evidence [INDEX].

If this Board votes to approve Agenda Item L-1 or grants the Chairperson unilateral authority to declare the LNR 402 Kīlauea Radio Repeater project exempt from environmental assessments, I demand that the Board produce and issue explicit, written Findings of Fact and Conclusions of Law identifying [INDEX]:

- The precise, supreme legal authority that empowers a state administrative agency to lease, alter, or carve up natural resources over which the United States Congress admitted in Public Law 103-150 it holds no direct cession or root of title;
- The precise factual and scientific baseline showing how the physical installations for the Kīlauea Radio Repeater do not constitute an "excessive deprivation of natural resources" barred by Article IX, Section 10; and
- The precise legal justification showing how a backroom environmental review exemption satisfies the strict procedural due process requirements of the Fourteenth Amendment and Article I, Section 5.

Failure to recognize this Intervention of Right or any attempt to move forward with a quasi-judicial budget execution that suppresses my ancestral birthrights will be treated as a direct violation of *Marbury v. Madison*, an unconstitutional breach of due process, and a fatal administrative defect that renders any subsequent decision voidable under judicial review.

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BY:

Roslyn Cummings

Roslyn Cummings, Na Kanaka / Ho'oilina / Hoa'aina, Kanaka Maoli, Administrative Intervenor
Na Kanaka

Exact Delivery Route For Your Email Petition

- **Filing Address:** blnr.testimony@hawaii.gov
- **Exact Email Subject Format:** NOTICE OF SPECIAL APPEARANCE FOR ABSOLUTE INTERVENTION - Roslyn Cummings - ITEM L-1
(KĪLAUEA RADIO REPEATER)
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