
[EXTERNAL] Agenda Item L-1, State Parks Infrastructure Improvements (Nā Pali Coast, Kōke'e/Waimea Canyon, and Polihale)

From Roslyn Cummings <roslyncummings@ymail.com>
Date Thu 7/23/2026 4:22 AM
To DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>

Subject: Declaration of Roslyn Cummings; Memorandum of Law; Affidavit of Fact; Demand for Production of Records; Request for Findings of Fact and Conclusions of Law – Agenda Item L-1, State Parks Infrastructure Improvements (Nā Pali Coast, Kōke'e/Waimea Canyon, and Polihale)

TO: Board of Land and Natural Resources (BLNR)
CC: Department of Land and Natural Resources (DLNR), State Parks Division

Aloha Chairperson [Ryan Kanaka'ole](#) and Members of the Board:

I, Roslyn Cummings, appearing specially and not generally, as Nā Kanaka, Kanaka Maoli, Ho'oilina, and Hoa'āina, hereby submit this Declaration, Memorandum of Law, Affidavit of Fact, Demand for Production of Records, and Request for Findings of Fact and Conclusions of Law concerning while reserving all rights, without prejudice—without recourse:

Agenda Item L-1 – State Parks Infrastructure Improvements, Lump Sum, Statewide (FF) – Part 1

Including the identified Kaua'i locations:

- Nā Pali Coast Wilderness Park
- Kōke'e / Waimea Canyon
- Polihale State Park

The stated purpose of the project is the planning, design, and construction of state park infrastructure improvements and related improvements funded through legislative appropriations.

I. DECLARATION OF STATUS AND INTEREST

I appear in protection of vested property rights, inalienable rights, inherent rights, birthright rights, ancestral rights, customary and traditional rights, access associated with the lands, waters, resources, and ecosystems affected by the proposed project areas.

These rights named above extends to the preservation, protection, restoration, and perpetuation of:

- Kaiaola ecosystems
- Kaiaulu
- Waiwai
- Land and water resources
- Nutrient systems
- Traditional resource abundance
- Ecological balance
- The continuance of kuleana responsibilities

This filing seeks lawful disclosure, transparency, accountability, and evidentiary review before further governmental action is taken.

II. HIERARCHY OF APPLICABLE LAW

The proposed action should be evaluated according to the hierarchy of law applicable to land, property, and governmental action.

A. Codified Hawaiian Kingdom Law

Jurisdiction originates from the foundational laws of the Hawaiian Kingdom, written and executed to preserve the internal rights of the land and its people:

1. **He Kumu Kānāwai, a me ke Kānāwai No Ko Hawai'i Nei Pae 'Āina (Declaration of Rights of 1839)**: Enacted on June 7, 1839, which established the immutable protection of life, limb, liberty, and the fruits of labor, providing in part: "*God hath made of one blood all nations of men*," and recognizing protection of "*life, limb, liberty, freedom from oppression*," and protection of rights in property.
2. **Kānāwai No Ko Hawai'i Nei Pae 'Āina (Constitution of 1840)**: Codifying the co-equal and permanent rights of property, ensuring no taking or modification occurs without lawful adherence to the established rule of law.
3. **Constitution of 1852 & Constitution of 1864**: Reaffirming foundational land and civil protections.
4. **The Civil Code of 1859**: Explicitly protecting the absolute, permanent rights attached to real property.
5. **Great Māhele 1848 (Hawaiian Kingdom Crown, Hawaiian Kingdom Government, Hawaiian Kingdom Konohiki, Land Commission Awards, Royal Patent , Kuleana Act of 1850**: Establishing explicit divisions, vesting, and inherent original title conditions.

The fundamental protections of these laws secure the rights of **nā kānaka, kanaka Maoli, ho'oilina**, and **hoa'aina**. The property rights of these individuals are **vested rights**, which are inalienable, inherent, birthright, and ancestral rights. The legal significance of these enactments is that they established legal protections concerning persons and property recognized throughout subsequent governmental transitions.

B. Treaties

The sovereignty of the land and the vested property rights therein were internationally recognized through binding treaties, which remain the supreme law of the land under United States domestic law via the Supremacy Clause (U.S. Constitution, Article VI, Clause 2):

1. **Treaty of Friendship, Commerce and Navigation (1826):** Early international recognition of commerce and peaceful relations.
2. **Treaty of Friendship, Commerce, and Navigation (1849):** Executed between the Hawaiian Kingdom and the United States, recognizing the legal continuity of both nations and the protection of their respective populations.
3. **Treaty of Reciprocity (1875):** Solidifying commercial ties while respecting internal territorial boundaries.

These treaties bridge Hawaiian Kingdom law directly to United States domestic law. Under the foundational rules of international law and domestic jurisprudence, a treaty cannot be abrogated or dismantled by a joint resolution or local legislative act.

C. United States Law

1. **U.S. Constitution:** Including Article VI (Supremacy Clause), First Amendment (Right to Petition), Fifth Amendment (Due Process), Fourteenth Amendment (Due Process and Equal Protection), and property protections recognized by federal law.
2. **Public Law 103-150 (The Apology Resolution):** Wherein Congress acknowledged the historical relationship between the Hawaiian Kingdom, the United States, and the indigenous people of Hawai'i, noting the illegality of the overthrow. This filing references Public Law 103-150 as a congressional acknowledgment statute and explicitly corrects modern statutory terminology—rejecting the administrative, colonial classification of "Native Hawaiian" as it was not written in Hawaiian Kingdom law to identify the people to its lands, resources, or sea maritime boundaries. Explicitly stated "never relinquished"

D. Hawai'i Constitutional Law

1. **Article I:** Protections of life, liberty, property, and due process.
2. **Administrative Limitations:** Strict separation of powers principles requiring that agencies act within authority delegated by law. This declaration completely bypasses and denies the application of the State of Hawaii's Public Trust Doctrine or Article XII, Section 7 as mechanisms to regulate or diminish these pre-existing ancestral interests.

E. Hawai'i Revised Statutes

1. **Statutory Frameworks:** Laws governing land management, state parks, environmental review, public records, administrative procedure, property interests, and natural resource management.

III. RULE OF LAW

Under the Rule of Law, government action must be based upon law, evidence, and findings rather than assumption, administrative convenience, or conclusory assertions. Accordingly, before undertaking infrastructure improvements affecting Nā Pali, Kōke'e/Waimea Canyon, or Polihale, the Board should identify:

1. The legal authority relied upon.
2. The property interests of area and surrounding areas affected.
3. The evidence supporting the project.
4. The environmental basis for the project.

5. The cultural basis for the project.
 6. The funding authority for the project.
 7. The anticipated impacts of the project. (data and analysis)
-

IV. LAW OF EVIDENCE

The administrative record should include competent evidence addressing:

- Scope of work and site plans
 - Engineering, biological, hydrologic, and geological assessments
 - Archaeological surveys and cultural impact analyses
 - Funding allocations (including federal-state matching breakdowns)
 - Environmental review documents and resource management plans
 - Alternatives considered and mitigation measures proposed
-

V. FACTS OF LAW

Before approval, the Board should establish:

- Ownership (chain of title, origin, and status) of project areas.
 - Existing easements, leases, and permits.
 - Existing access rights and cultural, transitional, customary, and religious resources.
 - Existing environmental conditions and obligations.
 - Existing property recognized by law.
-

VI. CHAIN OF TITLE DEMAND

Because the project concerns lands and resources located within Nā Pali Coast, Kōke'e/Waimea Canyon, and Polihale, I formally request production and inclusion within the public record of:

- Hawaiian Kingdom Origin: Hawaiian Kingdom Crown Land, Hawaiian Kingdom Government Land, Hawaiian Kingdom Konohiki Land, Land Commission Awards and Royal Patents.
- Conveyance records and state acquisition documents.
- Recorded easements and boundary surveys.
- Title reports and maps identifying project boundaries.
- Documents establishing present claimed ownership and management authority.

I further request that such records be made available to the public and transmitted electronically as part of the administrative record associated with this agenda item.

VII. PROTECTION, PRESERVATION, AND RESTORATION REQUIREMENTS

Any infrastructure project affecting these areas should demonstrate:

- Protection of ecosystem integrity and preservation of natural resource abundance.
- Restoration of degraded resources where applicable.

- Protection of watersheds, nutrient cycles, and ecological connectivity.
 - Protection of shoreline resources and maritime resources affected by upland activity.
 - Long-term sustainability and the continuance of traditional stewardship responsibilities.
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VIII. REQUESTED FINDINGS

Prior to approval, I request written findings identifying:

1. Legal authority and funding authority.
 2. Property interests affected.
 3. Environmental and cultural impacts.
 4. Alternatives considered and mitigation measures.
 5. Long-term management obligations.
 6. Evidence relied upon and chain of title documentation reviewed.
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IX. REQUEST FOR RELIEF

I respectfully request that BLNR:

1. Incorporate this filing into the official administrative record.
2. Produce the requested title and project records.
3. Produce findings of fact and conclusions of law.
4. Ensure all supporting documents are publicly available.
5. Verify that environmental, cultural, engineering, and property analyses are complete before approval.
6. Continue any portion of the agenda item for which the administrative record is incomplete.
7. Ensure that any action taken promotes the protection, preservation, restoration, and perpetuation of the lands, waters, resources, and ecological systems entrusted to its management.

Respectfully submitted,

Roslyn Cummings

Nā Kanaka, Kanaka Maoli, Ho'oilina, Hoa'āina

P.O. Box 315

Kalaheo, Hawai'i 96741

[EXTERNAL] Agenda Item L-1, State Parks Infrastructure and Park Improvements, Lump Sum, Statewide (FF) – Part 1 Hawai'i Island: Hāpuna Beach SRA, Kekaha Kai SP Kaua'i: Wailua River SP Maui: Hāna Wayside O'ahu: Malaekahana SRA, 'Iolani Palace SM, Keaiwa...

From Roslyn Cummings <roslyncummings@ymail.com>

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TO: Board of Land and Natural Resources (BLNR)

CC: Department of Land and Natural Resources (DLNR), State Parks Division

Aloha Chairperson Ryan Kanaka'ole and Members of the Board:

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Agenda Item L-1 – State Parks Infrastructure and Park Improvements, Lump Sum, Statewide (FF) – Part 1

Including the identified statewide project areas and anticipated locations:

- **Hawai'i Island:** Hāpuna Beach SRA, Kekaha Kai SP
- **Kaua'i:** Wailua River SP
- **Maui:** Hāna Wayside
- **O'ahu:** Malaekahana SRA, 'Iolani Palace SM, Keaiwa Heiau SRA, Diamond Head SM, Sand Island SRA
- **Statewide:** State Park New Replacements, Statewide

The stated purpose of the project is the planning, design, and construction for state parks infrastructure, park improvements, and related improvements statewide, deemed necessary to qualify for federal aid financing and/or reimbursement.

I. DECLARATION OF STATUS AND INTEREST

I appear in protection of vested property rights, inalienable rights, inherent rights, birthright rights, ancestral rights, customary and traditional rights, and access associated with the lands, waters, resources, and ecosystems affected by the proposed project areas.

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- **Kānāwai No Ko Hawai‘i Nei Pae ‘Āina (Constitution of 1840):** Codifying the co-equal and permanent rights of property, ensuring no taking or modification occurs without lawful adherence to the established rule of law.
- **Constitution of 1852 & Constitution of 1864:** Reaffirming foundational land and civil protections.

- **The Civil Code of 1859:** Explicitly protecting the absolute, permanent rights attached to real property.
- **Great Māhele 1848 & Kuleana Act of 1850:** Establishing explicit divisions, vesting, and inherent original title conditions (Hawaiian Kingdom Crown, Government, Konohiki, Land Commission Awards, and Royal Patents).

The fundamental protections of these laws secure the rights of nā kānaka, kanaka Maoli, hoʻoilina, and hoaʻāina as vested, inalienable, inherent, birthright, and ancestral interests. These enactments established legal protections recognized throughout subsequent governmental transitions.

B. Treaties

The sovereignty of the land and the vested property rights therein were internationally recognized through binding treaties, which remain the supreme law of the land under United States domestic law via the Supremacy Clause (U.S. Constitution, Article VI, Clause 2):

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These treaties bridge Hawaiian Kingdom law directly to United States domestic law. A treaty cannot be abrogated or dismantled by a joint resolution or local legislative act.

C. United States Law

- **U.S. Constitution:** Including Article VI (Supremacy Clause), First Amendment (Right to Petition), Fifth Amendment (Due Process), Fourteenth Amendment (Due Process and Equal Protection), and federal property protections.
- **Public Law 103-150 (The Apology Resolution):** Wherein Congress acknowledged the historical relationship, the illegality of the overthrow, and that native people never relinquished their claims. This filing rejects modern statutory administrative classifications like "Native Hawaiian" as inconsistent with original Hawaiian Kingdom law.

D. Hawaiʻi Constitutional Law

- **Article I:** Protections of life, liberty, property, and due process.
- **Administrative Limitations:** Strict separation of powers principles requiring agencies to act within authority delegated by law. This declaration completely bypasses and denies the application of the State of Hawaii's Public Trust

Doctrine or Article XII, Section 7 as mechanisms to regulate or diminish these pre-existing ancestral interests.

E. Hawai'i Revised Statutes

- **Statutory Frameworks:** Laws governing land management, state parks, environmental review, public records, administrative procedure, property interests, and natural resource management.
-

III. RULE OF LAW

Under the Rule of Law, government action must be based upon law, evidence, and findings rather than assumption, administrative convenience, or conclusory assertions. Accordingly, before undertaking infrastructure improvements affecting the listed project sites, the Board should identify:

1. The legal authority relied upon.
 2. The property interests of area and surrounding areas affected.
 3. The evidence supporting the project.
 4. The environmental basis for the project.
 5. The cultural basis for the project.
 6. The funding authority for the project.
 7. The anticipated impacts of the project (data and analysis).
-

IV. LAW OF EVIDENCE

The administrative record should include competent evidence addressing:

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 2. Existing easements, leases, and permits.
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 4. Existing environmental conditions and obligations.
 5. Existing property recognized by law.
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VI. CHAIN OF TITLE DEMAND

Because the project concerns lands and resources located within the listed state park locations, I formally request production and inclusion within the public record of:

- **Hawaiian Kingdom Origin:** Hawaiian Kingdom Crown Land, Hawaiian Kingdom Government Land, Hawaiian Kingdom Konohiki Land, Land Commission Awards, and Royal Patents.
- Conveyance records and state acquisition documents.
- Recorded easements and boundary surveys.
- Title reports and maps identifying project boundaries.
- Documents establishing present claimed ownership and management authority.

I further request that such records be made available to the public and transmitted electronically as part of the administrative record associated with this agenda item.

VII. PROTECTION, PRESERVATION, AND RESTORATION REQUIREMENTS

Any infrastructure project affecting these areas should demonstrate strict adherence to environmental safety, ancestral protection, and emergency management, including:

A. Ancestral & Subterranean Protection

- **Iwi Kupuna Protections:** Explicit protocols for the absolute non-disturbance, protection, and preservation of iwi kupuna (ancestral remains) located underground across all project sites.

- **Ana Cave Systems & Terrain:** Comprehensive subsurface geological mapping to protect vulnerable underground ana (cave) systems, lava tubes, and delicate surface terrains from heavy machinery, structural load, or engineering alterations.

B. Wildfire Prevention & Climate Safety

- **Fire Mitigation Infrastructure:** Installation of non-invasive wildfire prevention systems, brush clearing, and ignition-reduction protocols tailored to dry or high-vulnerability park boundaries (e.g., Hāpuna, Kekaha Kai, Diamond Head).
- **Ecosystem Resilience:** Protection of watersheds, nutrient cycles, shoreline resources, and ecological connectivity from construction runoff and upland disruption.

C. Emergency & Public Safety Management

- **Evacuation Infrastructure:** Transparent, high-capacity, and culturally respectful evacuation routing plans for park users in the event of natural disasters, tsunamis, or fast-moving wildfires.
- **Traffic & Access Mitigation:** Data-backed traffic impact assessments to ensure construction and increased park infrastructure do not bottleneck local arterial roads, disrupt rural communities, or impede native access rights.

VIII. REQUESTED FINDINGS

Prior to approval, I request written findings identifying:

1. Legal authority and funding authority.
2. Property interests affected.
3. Environmental, cultural, and subsurface impacts.
4. Alternatives considered and mitigation measures.
5. Long-term management obligations.
6. Evidence relied upon and chain of title documentation reviewed.

IX. REQUEST FOR RELIEF

I respectfully request that BLNR:

1. Incorporate this filing into the official administrative record.

2. Produce the requested title, geological, and project records.
3. Produce findings of fact and conclusions of law.
4. Ensure all supporting documents are publicly available.
5. Verify that environmental, cultural, engineering, subsurface safety, and property analyses are complete before approval.
6. Continue any portion of the agenda item for which the administrative record is incomplete.
7. Ensure that any action taken promotes the protection, preservation, restoration, and perpetuation of the lands, waters, resources, and ecological systems entrusted to its management.

Respectfully submitted,

Roslyn Cummings
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Kalaheo, Hawaiʻi 96741

Special Engineering & Environmental Risk Assessments

Below are four specialized studies required for projects facing specific environmental, structural, or historical risks. Standard reports will not cover these areas.

- **1. Flood Mitigation**

- **What covers it:** A specialized Hydrology and Hydraulics (H&H) Study or a Civil Engineering Stormwater Management Plan.
- **What it does:** Standard reports only check if a property sits in a FEMA flood zone. An H&H study actively models stormwater runoff, designs retention ponds, and creates specific engineered mitigation infrastructure to protect the property from active flooding.

- **2. Ancestral Burials Probability**

- **What covers it:** A Phase I Archaeological Survey or a Cultural Resources Assessment (CRA).
- **What it does:** Environmental and geological reports completely ignore human history. A CRA is performed by a licensed archaeologist who reviews historical archives, consults local indigenous data, and conducts physical shovel test pits to determine the probability of encountering ancestral remains or historical artifacts.

- **3. Underground Impacts (Caves & Sinkhole Prevention)**

- **What covers it:** A Geotechnical Karst Study utilizing Geophysical Testing.
- **What it does:** Normal soil borings can completely miss hidden underground voids. To locate subterranean caves or prevent sinkholes, geologists must use specialized tools like Ground Penetrating Radar (GPR) or Electrical Resistivity Tomography (ERT) to image the bedrock. They then design stabilization plans, such as structural grouting or establishing surface water buffer zones.

- **4. Landslide Prevention**

- **What covers it:** A comprehensive Geotechnical Slope Stability Analysis.
- **What it does:** A basic site review might note if a hill is steep, but it will not calculate safety factors. A slope stability analysis tests core soil samples for shear strength, models how the hill will behave when fully saturated with rainwater, and designs critical preventative engineering like retaining walls, soil nails, or deep drainage networks.