

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

July 13, 2026

Agency comments received by the Planning Department as of July 13, 2026 8:30 am for the July 14, 2025, Planning Commission, Subdivision Committee meeting regarding the following items:

- F.1.a. Subdivision Application No. S-2026-10
Princeville Meadows Subdivision
PRW Princeville Development Company, LLC.
Proposed 65-Lot Subdivision
TMK: (4) 5-3-013: 044
Hanalei, Kaua'i

Kenneth Estes

From: Planning Department
Sent: Friday, July 10, 2026 10:03 AM
To: Kenneth Estes; Shanlee Jimenez
Subject: Fw: Subdivision Map Approval for Subdivision Application No. S-2026-10 (Princeville Meadows Subdivision; TMK: (4) 5-3-013:044, Hanalei, Kaua'i); Implication of Executive Session Item H(1)
Attachments: 2026-7-14 Subdivision Committee Agenda.pdf

From: Roslyn Cummings <roslyncummings@ymail.com>
Sent: Thursday, July 9, 2026 6:40 PM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Subdivision Map Approval for Subdivision Application No. S-2026-10 (Princeville Meadows Subdivision; TMK: (4) 5-3-013:044, Hanalei, Kaua'i); Implication of Executive Session Item H(1)

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

NOTICE OF LIABILITY AND DEMAND FOR PROTECTION OF VESTED RIGHTS

TO: The Planning Commission Subdivision Committee, County of Kaua'i, State of Hawai'i
FROM: Roslyn Cummings, appearing specially, not generally, as a *nā kānaka, kānaka maoli, ho'oilina*, and *hoa'āina*
DATE: July 14, 2026
RE: Notice of Liability; Objection to Preliminary Subdivision Map Approval for Subdivision Application No. S-2026-10 (Princeville Meadows Subdivision; TMK: (4) 5-3-013:044, Hanalei, Kaua'i); Implication of Executive Session Item H(1)

I. SPECIAL APPEARANCE AND DECLARATION OF IDENTITY

COMES NOW Roslyn Cummings, appearing specially, not generally, as a *nā kānaka, kānaka maoli, ho'oilina* (heir), and *hoa'āina* (native tenant) of the soil. This appearance does not submit to, nor waive any jurisdictional defects of, the domestic municipal jurisdiction of the County of Kaua'i or the State of Hawai'i. This special appearance is made under the authority of the 1839 Declaration of Rights, the 1840 *Kānāwai* (Constitution), the 1846 *Kānāwai*, the 1848 *Māhele* (establishing the three divisions of Crown, Konohiki, and Government lands), the 1850 Kuleana Act, the 1859 *Kānāwai*, the 1860 Law of Sepulture, and the 1872 *Kānāwai*.

This notice serves to formalize the continuous, un-relinquished vested rights of native tenants preserved through the 1893 Executive Protest of Queen Lili'uokalani and the 1897 *Kū'ē* Petitions, which legally bar any presumption of absolute title or complete administrative authority by the County of Kaua'i over the subject lands of Hanalei.

II. OBJECTION TO AGENDA ITEM G(1)(a) & H(1): SUBDIVISION APPLICATION NO. S-2026-10

Notice is hereby served upon the Subdivision Committee regarding Subdivision Application No. S-2026-10 (Princeville Meadows Subdivision). Any administrative action, approval, or execution of subdivision maps concerning TMK: (4) 5-3-013:044 that fails to recognize, protect, and isolate the vested rights of the *hoa'āina* constitutes an actionable breach of statutory duty, exposing the County of Kaua'i to severe civil liability.

The inclusion of this specific application in Executive Session H(1) for legal consultation further establishes the County's acute awareness of the volatile and unresolved legal, historical, and proprietary defects clouding title and jurisdiction over this Hanalei tract.

III. THE BRIDGING OF HAWAIIAN USAGE LAW TO THE COUNTY ADMINISTRATIVE MANDATE

The County of Kaua'i Planning Commission and its Subdivision Committee are legally bound by a clear statutory hierarchy that incorporates Hawaiian usage law directly into municipal operations:

1. **HRS § 1-1 (Common Law; Hawaiian Usage Exception):** The statutory laws of the State of Hawai'i explicitly subordinate standard English common law to "Hawaiian judicial precedent" and "Hawaiian usage" established prior to November 25, 1892. Pre-existing native rights are vested, permanent, and un-extinguished by subsequent subdivision plats.
2. **HRS § 7-1 (Rights of People):** This statute guarantees the unimpeded right of native tenants to enter private land to gather wood, thatch, water, and resources, ensuring that the physical fragmentation of a parcel via subdivision cannot extinguish these explicit usufructuary rights.
3. **HRS § 172-11 and § 172-12 (Land Patents and Boundaries):** These provisions command that all land titles derived from Land Commission Awards (LCA) remain strictly subject to the preserved rights of native tenants (*Kuleana*).

Constitutional Anchors

These statutory obligations bridge directly into the State of Hawai'i Constitution, binding the County through:

- **Article I, Section 1 (Inherent Rights):** Protection of life, liberty, and the inherent property interests of the people.
- **Article I, Section 2 (Privileges of Citizens):** Ensuring no person is deprived of vested rights without strict adherence to due process of law.

- **Article IX, Section 10 (Preservation of Cultural Resources):** Ordering the State and its political subdivisions (the County) to protect, preserve, and safely manage all ancient, cultural, and historic resources.
-

IV. JUDICIAL PRECEDENT: APPLICATION OF *MAUI LAND & PINEAPPLE CO. V. KANAINA*

The controlling principles of *Maui Land & Pineapple Co. v. Kanaina*, 6 Haw. App. 433, 725 P.2d 1159 (1986), dictate that a private entity or municipality cannot summarily quiet title or alter boundaries to eliminate *hoa'āina* interests. Under the *Kanaina* doctrine, any party claiming exclusive dominion over lands containing traditional, customary, or native tenant kuleana parcels must meet an exhaustive burden of proof. The County of Kaua'i cannot rely on a developer's clean title report to bypass its regulatory obligation to protect unrecorded or traditionally exercised native rights within the 65 proposed lots of the Princeville Meadows project.

V. THE CO-EXISTENCE AND OVERRIDING FORCE OF INTERNATIONAL TREATY LAW

The administrative power claimed by the County of Kaua'i within the Territory of Hawai'i and subsequent Admission Act relies upon a domestic legislative chain that remains fundamentally debatable by fact of law:

1. **The Flawed Annexation:** The Newlands Resolution (1898) was a domestic joint resolution of the United States Congress. By well-established principles of international law, a domestic legislative act cannot convey sovereignty or title over a foreign sovereign soil (the Hawaiian Kingdom).
 2. **The Supremacy of Treaty Law:** Under **Article VI, Section 2 of the United States Constitution (The Supremacy Clause)**, treaties are the supreme law of the land. The **1849 Treaty of Friendship, Commerce, and Navigation** executed between the United States of America and the Hawaiian Kingdom remains an active, un-extinguished international compact.
 3. **Protection of Soil and Rights:** The 1849 Treaty explicitly protects the property, rights, and commerce of the respective nations' citizens. Because sovereignty cannot be settled based on a unilateral administrative opinion, domestic property transfers or municipal subdivisions that violate the territorial integrity and land distribution frameworks established under Kingdom law are void *ab initio*.
 4. **The Treaty of Reciprocity:** Subsequent international agreements, such as the Treaty of Reciprocity, solidify the continuous bilateral recognition of the Hawaiian Kingdom's sovereign capacity, which domestic municipal sub-agencies cannot legislatively erase.
-

VI. VESTED RIGHTS UNDER THE KULEANA ACT AND LAW OF SEPULTURE

The proposed 65-lot subdivision sits upon Hanalei soil rich with ancestral *iwi kuamo'o* (skeletal remains) and historical *kuleana* agricultural networks.

- **The 1850 Kuleana Act:** Explicitly secured the vested rights of native tenants (*hoa'āina*) to their lands, water rights, and access routes. These rights run with the land and survive any corporate chain of title or municipal map approvals.
 - **The 1860 Law of Sepulture (*Kānāwai*):** Imposes an absolute protection over burial sites. Disrupting, grading, or carving up parcels containing known or probable ancestral interments for the Princeville Meadows Subdivision creates immediate civil and criminal exposure for desecration.
-

VII. FORMAL DEMAND AND NOTICE OF LIABILITY

YOU ARE HEREBY PUT ON NOTICE that if this Committee grants Preliminary Subdivision Map Approval for Subdivision Application No. S-2026-10 without conducting an exhaustive, independent evidentiary assessment of *hoa'āina* rights, traditional access easements, and burial sites under HRS § 1-1, HRS § 7-2, and Article IX, Section 10 of the Constitution, it does so in knowing violation of vested rights.

Any administrative actions taken to advance this project face immediate legal challenge, wherein this document will be introduced to demonstrate actual notice, willful blindness, and tortious tort liability of the County, its planners, and the individual commissioners.

I declare under penalty of perjury under the laws of the soil that the foregoing statements and declarations of identity and vested rights are true, correct, and legally preserved.

Respectfully submitted with Reserved Rights,

By: Roslyn Cummings
Roslyn Cummings

All rights reserved, without prejudice, and without recourse.

Specially appearing as Nā Kānaka, Kānaka Maoli, Ho'oilina, Hoa'āina
Under the Protection of the 1839 Declaration of Rights, Treaty Law, and the Laws of the Soil.

VIII. SELF-EXECUTING ADMINISTRATIVE FEE SCHEDULE & CONDITIONAL ACCEPTANCE

This Fee Schedule is **self-executing, self-binding, and constitutes an administrative judgment by operation of law** under the First Amendment of the United States Constitution (Right to Petition the Government for a Redress of Grievances), the State of Hawai'i Constitution Article I, Section 4 (Right to Petition), and the foundational laws of the Hawaiian Kingdom.

Pursuant to the **1839 Declaration of Rights**, the **1840 Kanawai**, and **HRS § 1-1**, the right of the *hoa'āina* to seek redress and protect the soil from unlawful commercial exploitation is absolute and un-extinguishable.

A. NOTICE OF CONDITIONAL ACCEPTANCE AND CONTRACTUAL LIABILITY

Any action, omission, silent acquiescence, or bad-faith maneuver by the County of Kaua'i, its Planning Department, the Subdivision Committee, or their legal representation to ignore, violate, or bypass this Notice of Liability constitutes a **knowing, voluntary, and intentional acceptance of this Contract and its financial obligations**.

If legal counsel or administrative agents proceed to advance, approve, or execute **Subdivision Application No. S-2026-10 (Princeville Meadows Subdivision)**, or any related item listed on the July 14, 2026 agenda, without first satisfying the conditions of the *hoa'āina*, they agree to pay the following liquidated damages upon invoice:

Violation Code / Activity	Statutory & Sovereign Basis	Administrative Fee (USD)
VC-001: Failure to Respond	Intentional default / Waiving of administrative rebuttal rights.	\$100,000.00 per calendar day until answered.
VC-002: Violation of Hawaiian Usage	Breach of HRS § 1-1 ; ignoring pre-1892 native customary rights and usage.	\$250,000.00 per occurrence / per vote.
VC-003: Unlawful Access Deprivation	Breach of HRS § 7-2 ; cutting off traditional gathering, water, or transit access.	\$500,000.00 per parcel / per incident.
VC-004: Land Patent Fraud / Plat Approval	Breach of HRS § 172-11 & 172-12 ; approving maps overlaying un-isolated <i>Kuleana</i> lands.	\$1,000,000.00 per approved subdivision map.
VC-005: Constitutional Rights Infringement	Breach of Hawai'i Const. Art. I, Sec. 1 & 2 ; stripping vested property without due process.	\$1,500,000.00 per individual official liable.
VC-006: Desecration of Sepulture / Cultural Theft	Breach of 1860 Law of Sepulture & Hawai'i Const. Art. IX, Sec. 10 ; grading or disturbing <i>iwi</i> .	\$5,000,000.00 per incident / plus criminal referrals.
VC-007: International Treaty Infringement	Breach of U.S. Const. Art. VI, Sec. 2 ; violating protections of the 1849 Treaty .	\$10,000,000.00 per actionable title cloud created.

B. SELF-EXECUTING ENFORCEMENT CLAUSE

Silence, non-response, or a procedural refusal to enter these items into the official record within three (3) business days of delivery constitutes an admission of truth and a

confession of judgment. This schedule shall be executed directly via administrative lien, UCC filing, or summary judgment in a court of competent jurisdiction without further notice to the respondents.

IX. DEMAND FOR PROOF OF LAND ORIGIN AND CHAIN OF TITLE (BURDEN OF PROOF SHIFT)

The County of Kaua'i and the applicant, PRW Princeville Development Company, LLC, are hereby put on formal notice that they bear the absolute burden of proof to demonstrate the lawful extinguishment of native tenant (*hoa'āina*) rights from the root of title to the present day. Under Hawai'i law, a standard commercial title insurance policy or a quiet title decree that failed to name and serve the *ho'oilina* (heirs) of the original Land Commission Award (LCA) is legally insufficient to erase vested rights that run with the soil.

A. THE MANDATORY MULTI-PRONGED LEGAL TEST

Pursuant to the controlling binding precedent established by the Hawai'i Supreme Court in *Ka Pa'akai O Ka 'Āina v. Land Use Commission*, 94 Hawai'i 1, 7 P.3d 1068 (2000), the Subdivision Committee is prohibited from delegating its analytical duties to the developer. The Committee and the developer are legally mandated to place into the public record an exhaustive, independent study proving:

1. **The Identity and Scope of Valued Resources:** The exact geographic location, origin, and extent of traditional, customary, agricultural, and sepulture resources within TMK: (4) 5-3-013:044, including all ancient *auwai* (waterways), *lo'i* (taro patches), and *ala hele* (traditional pathways).
2. **The Extent of Infringement:** The precise manner in which the proposed 65-lot Princeville Meadows Subdivision will interfere with, diminish, or extinguish the exercise of native tenant rights on those lands.
3. **Feasible Mitigations:** The specific, enforceable actions the County and developer will take to completely protect, isolate, and preserve those rights, including carving out permanent public access easements.

B. DEMAND FOR THE PRODUCTION OF HISTORICAL DOCUMENTS

To satisfy the requirements of HRS § 1-1 and HRS § 7-2, the applicant must be ordered to produce a comprehensive **Chain of Origin Report** going back to the 1848 Great Māhele. This Committee must stay all actions on Subdivision Application No. S-2026-10 until the developer produces and proves:

- **The Original Land Commission Award (LCA):** The original Royal Patent and LCA numbers for the specific acreage of the Hanalei tract, explicitly demonstrating what reservation clauses were placed on the land regarding native tenant protections.

- **The "Kuleana Reservation" Compliance:** Proof that the developer's chain of title accounts for the universal clause contained in all original government land transfers: "*Malama na poe e noho ana ma ka aina*" (Protecting the rights of the native tenants living on the land).
- **Archaeological Literature Review:** A fully completed Archaeological Inventory Survey (AIS), reviewed and approved by the State Historic Preservation Division (SHPD), proving that the origin of the soil does not contain unrecorded *iwi kuamo'o* (ancestral remains) or historical habitation sites protected under the **1860 Law of Sepulture**.

C. THE LEGAL EFFECT OF FAILURE TO PROVE ORIGIN

Approval of a preliminary map without this verified chain of origin constitutes an arbitrary and capricious administrative act under **HRS Chapter 91**. It strips the *hoa'aina* of vested property rights without due process, rendering any subsequent subdivision approval voidable by a court of competent jurisdiction. The burden does not rest on the native tenant to disprove the developer's title; the burden rests entirely on the developer to prove their title is completely free of ancient, un-extinguished native encumbrances.

X. THE VESTED RIGHTS OF THE HOA'ĀINA & MANDATORY CONSTITUTIONAL COMPETENCY

Under the established jurisprudence of the State of Hawai'i, the rights of the *hoa'aina* (native tenant) are not mere privileges or minor cultural permissions. They are **the highest tier of vested property rights** that run with the land. They are permanently attached to the soil of Hanalei and cannot be extinguished by a developer purchasing the underlying title.

For the County of Kaua'i and the Subdivision Committee to act within their lawful jurisdiction (*competency*), they must satisfy specific elements of the Hawai'i State Constitution and the *Ka Pa'akai* doctrine. Failing to do so strips the Committee of its legal authority to approve the Princeville Meadows Subdivision (S-2026-10).

A. THE ENUMERATED VESTED RIGHTS OF THE HOA'ĀINA

Under **HRS § 1-1**, **HRS § 7-2**, and Hawaiian Kingdom law preserved through the **1850 Kuleana Act**, the *hoa'aina* possesses specific, self-executing rights within TMK: (4) 5-3-013:044:

1. **The Right of Access and Transit (*Ala Hele*):** The absolute right to cross private land along traditional paths to access the ocean, mountains, forests, and interior kuleana parcels.

2. **The Right of Gathering (*Kuleana Hana No'eau*):** The right to enter undeveloped or partially developed lands to gather materials for traditional, customary, and religious practices (e.g., *lā'au lapa'au* medicinal plants, thatch, wood, and cultural flora).
 3. **The Right of Water (*Wai*):** The right to the natural, undiminished flow of water through ancient *'auwai* (aqueducts) to sustain agricultural activities like *lo'i* (taro patches).
 4. **The Right of Sepulture (*Iwi Kuamo'o*):** The right to protect, maintain, and prevent the desecration of ancestral burial sites under the **1860 Law of Sepulture** and HRS Chapter 6E.
 5. **The Right of Sustenance:** The traditional right to fish, hunt, and gather food from the land and immediate coastal areas to sustain native families.
-

B. MANDATED PROTECTIONS: 100 COMPREHENSIVE NATIVE PRACTICES AND CULTURAL RESOURCES

Pursuant to **Article XII, Section 7** of the Hawai'i State Constitution, **HRS § 1-1**, **HRS § 7-2**, and the judicial mandates of *PASH* and *Ka Pa'akai O Ka 'Āina*, the State of Hawai'i and its political subdivisions (the County of Kaua'i) are explicitly commanded to protect, preserve, and maintain the following 100 distinct traditional practices and natural/cultural resources across the Hawaiian archipelago. The Subdivision Committee must prove that none of these protected elements are being impaired within the Hanalei ahupua'a by the proposed 65-lot Princeville Meadows Subdivision:

Traditional & Customary Practices (Items 1–50)

1. ***Lā'au Lapa'au*:** The gathering, processing, and application of native medicinal plants for physical and spiritual healing.
2. ***Ho'omana*:** Ancestral religious worship, ceremonies, and protocols performed at dedicated sacred sites.
3. ***Kilo Hōkū*:** Sky and astronomical observation for navigation, agricultural timing, and spiritual alignment.
4. ***Kilo Moana*:** Comprehensive ocean observation, tide reading, and tracking of marine biological cycles.
5. ***Kilo Makani*:** Wind and weather pattern observation used to manage ecological ecosystems and transit safety.
6. ***Mālama Iwi Kuamo'o*:** The active protection, reburial, concealment, and spiritual care of ancestral skeletal remains.

7. ***Kanuka Ka'āina***: Traditional structural mapping, naming conventions, and oral history keeping tied directly to land tracts.
8. ***Hana Kapa***: Cultivating, harvesting, and beating *wauke* (paper mulberry) bark into traditional barkcloth.
9. ***Kāhili Making***: The collection of native bird feathers and structural wood to construct royal feathered standards.
10. ***Kālai Wa'a***: The ritual selection, felling, and carving of native logs (e.g., *koa*) into seafaring canoes.
11. ***Mālama Lo'i***: Wetland taro cultivation utilizing ancestral terrace farming and ecological engineering methods.
12. ***Mālama Mala***: Dryland agricultural cultivation of traditional subsistence crops (e.g., *'uala*, *uhi*, *maika*).
13. ***Hana 'Auwai***: Constructing, cleaning, clearing, and maintaining gravity-fed rock aqueducts for agricultural irrigation.
14. ***Lawai'a Pono***: Sustainable nearshore, reef, and deep-sea fishing utilizing ancestral cycles and dynamic catch limits.
15. ***Hana Hānai I'a***: Managing, stocking, cleaning, and harvesting marine life from historic stone fishponds (*loko i'a*).
16. ***Kāpili***: Collecting and processing native tree resins, saps, and fibers for water-tight structural sealing.
17. ***Hana Ihe***: Crafting, sharpening, and hardening traditional wood spears and defensive implements.
18. ***Ulu Hula***: Gathering sacred forest flora under strict spiritual protocol for the execution of hula rituals.
19. ***Oli and Mele***: Chanting and singing to preserve genealogical lines, boundary lines, and ecological occurrences on-site.
20. ***Hi'uwai***: Water purification rituals performed in fresh streams or natural estuaries for spiritual cleansing.
21. ***Kaula Weaving***: Braiding, twisting, and knotting native fibers into high-tensile structural and marine cordage.
22. ***Hana Ulana***: Weaving *lauhala* (pandanus leaves) into mats, sails, baskets, and structural coverings.
23. ***Hana Kōkō***: Knotting intricate carrying nets for gourds, food vessels, and royal implements.

24. ***Hana Ipu:*** Cultivating, drying, cleaning, and carving gourds for water storage, food preservation, and percussion instrument utility.
25. ***Kā Tapa:*** Carving intricate bamboo stamps (*‘ohe kāpala*) and preparing organic dyes for textile marking.
26. ***Ku‘i Kalo:*** Harvesting, steaming, and pounding taro using stone pestles (*pōhaku ku‘i kalo*) on wooden boards.
27. ***Aha‘aina Protocols:*** Executing community feasts centered around ritual crop harvests and shared ahupua‘a governance.
28. ***Kuhikuhi Pu‘uone:*** Traditional architectural design and environmental site analysis based on natural land topology.
29. ***Kālai Pōhaku:*** Selecting, chipping, and shaping basalt rock into structural walls, tools, and domestic implements.
30. ***Hana Pa‘akai:*** Cultivating, evaporation-harvesting, and cleaning sea salt from traditional coastal clay pans.
31. ***Uhau Humu Pōhaku:*** Master dry-stack stone masonry practiced without mortar to build durable terraces, boundaries, and foundations.
32. ***Aha Kūkā:*** Convening traditional ancestral councils to deliberate resource distribution and community conflicts.
33. ***Mālama Kāheka:*** Tending to coastal tide pools to ensure balanced ecosystems for localized shellfish harvesting.
34. ***Kālai Lā‘au:*** Selecting, curing, and shaping native hardwoods into structural posts and domestic utensils.
35. ***Hana Līpoa:*** The gathering, cleaning, and preparation of marine algae variations for dietary sustenance.
36. ***Awa Ceremony:*** Cultivating, crushing, and ritually presenting kava root beverages for religious or diplomatic bindings.
37. ***Hana Pī‘ā:*** Gathering and processing wild arrowroot for traditional dietary and medicinal applications.
38. ***Mālama Pua:*** Collecting, classification, and domestic arrangement of native flowers for spiritual offerings and *lei* lineage markers.
39. ***Kāhea Protocols:*** Delivering vocal, genealogical, or instrumental requests for permission to cross boundaries or enter domains.
40. ***Hana Kāhiko:*** Designing and assembling ceremonial regalia utilizing natural elements strictly tied to local soil.

41. ***Ho'oponopono***: Executing native mental, spiritual, and communal conflict resolution protocols on traditional lands.
42. ***Mālama Waiwai***: Safe tracking, keeping, and transferring of ancestral knowledge and structural inheritance.
43. ***Hana Kilu***: Crafting and playing spiritual, competitive recreational games that enforce cultural laws and community bonding.
44. ***Lā'au Ala Gathering***: Identifying and sustainably harvesting fragrant native woods (e.g., *'iliahi* / sandalwood) for cultural applications.
45. ***Kālai 'Ohe***: Selecting, curing, and boring bamboo stalks into nose flutes (*'ohe hano ihu*) used for communication and ritual.
46. ***Hana Hano***: Crafting and treating native animal bones or shells for utilitarian instruments or spiritual adornments.
47. ***Hana Lu'u***: Free-diving and breath-hold harvesting of deep-reef marine life under localized lunar guidance.
48. ***Mālama Kahua***: Maintaining historic clearing sites used for athletic, marital, and tactical training disciplines (*mokomoko*).
49. ***Hana Heiau Repairs***: The community cleaning, restructuring, and stabilization of historic stone temple sites.
50. ***Ho'omana'o Po'e***: Oral recitation and active transmission of place-specific genealogies directly linked to land titles.

Mandated Natural & Cultural Resources (Items 51–100)

51. ***Iwi Kuamo'o***: Ancestral skeletal remains and associated burial goods permanently buried within the earth.
52. ***Heiau Structures***: All stone temple foundations, platforms, terraces, and shrines erected for spiritual operations.
53. ***Pōhaku Kāki'i***: Ancient petroglyphs and rock carvings containing localized genealogical or geographical markers.
54. ***Auwai Networks***: Historical, hand-carved, and stone-lined water canals facilitating cross-ahupua'a water flow.
55. ***Lo'i Terraces***: Archaeological and active stone-faced wetland pond-fields engineered for intensive agriculture.
56. ***Loko I'a Walls***: Historic shoreline, estuary, or interior stone fishpond structures designed to capture and harvest marine proteins.
57. ***Ala Hele***: Ancient stone-paved, dirt, or coastal trails used for historical transit, trade, and communication.

58. ***Kalo (Colocasia esculenta)***: Ancestral taro varieties representing the physical manifestation of the elder brother, *Hāloanakalaukapalili*.
59. ***'Ulu (Artocarpus altilis)***: Breadfruit groves producing crucial complex carbohydrates and vital timber resources.
60. ***Niu (Cocos nucifera)***: Coconut groves providing structural fiber, food, fresh hydration, and specialized utility oils.
61. ***Mai'a (Musa spp.)***: Cultivated native banana variations serving vital roles in subsistence diets and specific religious rituals.
62. ***'Uala (Ipomoea batatas)***: Dryland sweet potato crops critical to maintaining complete community food independence.
63. ***Wauke (Broussonetia papyrifera)***: Specialized mulberry trees cultivated directly along stream paths for raw textile production.
64. ***Kukui (Aleurites moluccanus)***: Candlenut trees providing essential light oils, medicine, organic dyes, and specialized topical sealants.
65. ***Ohe (Schizostachyum glaucifolium)***: Endemic and indigenous bamboo stands serving as primary conduits for irrigation and structural tools.
66. ***Kī / Ti (Cordyline fruticosa)***: Sacred ti plants cultivated for protection, food preservation, clothing, and medicinal applications.
67. ***Koa (Acacia koa)***: Majestic canopy trees supplying dense wood required for ocean-faring canoes and primary home beams.
68. ***'Ōhi'a Lehua (Metrosideros polymorpha)***: Keystones of the native watershed, essential for hydrological absorption and sacred hula rituals.
69. ***Hala (Pandanus tectorius)***: Coastal and valley trees providing the highly durable fibrous leaves needed for textile weaving.
70. ***Māmaki (Pipturus albidus)***: Endemic shrubs harvested for critical medicinal teas and specialized alternative barkcloth fibers.
71. ***'Awa (Piper methysticum)***: Kava roots required to prepare ceremonial beverages that seal all local socio-political contracts.
72. ***Maile (Alyxia stellata)***: Fragrant forest vines harvested under strict seasonal protocols for ceremonial adornments.
73. ***Uluhe Ferns (Dicranopteris linearis)***: Native ground cover serving as the primary natural protective carpet for deep mountain watersheds.
74. ***Pōhaku Boundary Markers***: Sculpted or naturally situated basalt boulders identifying ancient tribal, ahupua'a, or kuleana boundaries.

75. **Kāheka:** Coastal, intertidal, and basalt rock-carved pools sustaining primary food cycles for coastal families.
76. **Wai Moana:** Inshore marine waters containing specific reef eco-systems vital for community subsistence.
77. **Wai Kula:** Naturally occurring open plains water and seasonal marshlands supporting water filtration.
78. **Wai Puna:** Freshwater natural springs supplying unpolluted drinking water directly to native tenants.
79. **Wai Kahawai:** Running perennial rivers and streams facilitating complete ecological movement from mountains to sea.
80. **Ana (Caves & Lava Tubes):** Subterranean geological formations utilized for historical storage, shelter, or ancestral sepulture.
81. **Kahua Foundations:** Archaeological residential stone house platforms (*kahua hale*) revealing historic population distributions.
82. **Ko'a Fishing Shrines:** Shoreline coral or stone markers erected to monitor fish populations and invoke ocean prosperity.
83. **Pōhaku Piko:** Sacred rock clefts or surfaces historically used to secure a newborn's umbilical cord, linking them to the soil.
84. **Pōhaku Kānāwai:** Monumental stones marking areas of ancient sanctuary or explicit sovereign legal declarations.
85. **Lua Muku:** Natural deep pits or sinkholes utilized for specialized refuse management or sacred containment.
86. **Pali Ecosystems:** Vertical cliff faces harboring endangered native avian species and rare cliff-dwelling medicinal plants.
87. **One (Coastal Sand Dunes):** Coastal sand systems containing vital geological buffers and highly dense networks of ancestral interments.
88. **Muliwai:** Dynamic river estuaries and brackish lagoons serving as nurseries for coastal finfish and special shellfish species.
89. **Limu Varieties:** All classes of marine algae (e.g., *kohu*, *eleele*) harvested for human consumption and nearshore chemical balance.
90. **O'opu and Ōpae:** Endemic stream fish and shrimp indicator species requiring undisturbed stream flows to survive.
91. **'Uhi (Dioscorea alata):** Deep-forest wild yams providing critical emergency famine foods during prolonged crop failures.

92. ***Kamani (Calophyllum inophyllum)***: Coastal hardwood trees yielding structural lumber and specialized nuts used for illumination oils.
 93. ***Hau (Hibiscus tiliaceus)***: Lowland trees providing lightweight wood for canoe outriggers and fibrous inner bark for cordage.
 94. ***Milo (Thespesia populnea)***: Premium shoreline hardwoods reserved for carving royal food bowls and non-toxic storage vessels.
 95. ***Noni (Morinda citrifolia)***: Fruit-bearing trees yielding potent juice and leaves used as a cornerstone in topical *lā'au lapa'au*.
 96. ***Pāpa'i and Ula***: Marine crustaceans inhabiting nearshore reefs that are protected by strict traditional seasonal harvesting cycles.
 97. ***Hihiwai (Neritina granosa)***: Endemic freshwater snails harvested from clean running streams for vital nutritional sustenance.
 98. ***'Opihi (Cellana spp.)***: Intertidal limpets collected from high-energy rocky coastlines under hazardous traditional methods.
 99. ***Ua Watersheds***: The atmospheric rain catchments and cloud forests that feed the freshwater aquifers beneath the soil.
 100. ***Mo'olelo Geography***: The physical natural landmarks (peaks, ridges, rocks) that hold ancestral names and stories defining the legal jurisdiction of the ahupua'a.
-

C. CONSTITUTIONAL ELEMENTS AND THE "KA PA'AKAI" TEST

The Hawai'i State Constitution directly incorporates these 100 practices and resources into the supreme law of the state. To make an administrative decision regarding the Princeville Meadows project valid, the County must pass a strict constitutional test.

1. Article XII, Section 7 (Protection of Traditional and Customary Rights)

This section explicitly mandates that the State and its political subdivisions (the County of Kaua'i) "shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes."

- **The Element of Competency**: A county agency has no legal capacity to approve a project if that approval actively destroys or limits the practices protected by this section.

2. The Three-Part *Ka Pa'akai* Framework

To satisfy Article XII, Section 7, the Subdivision Committee must independently answer three questions on the record before voting:

- **Element 1:** What are the specific traditional and customary practices, resources, and *iwi*(from the 100 items detailed above) located within the Princeville Meadows project boundaries?
- **Element 2:** To what extent will the development of a 65-lot subdivision impair, block, or destroy those native practices and resources?
- **Element 3:** What specific, legally binding mitigations will be forced upon the developer to protect those rights?

Why the County is currently incompetent to act: The Subdivision Committee cannot answer these three prongs by simply reading the developer's application or standard title insurance. Because the County has not conducted an independent *Ka Pa'akai* analysis focused on the *hoa'āina* of Hanalei and the protection of these 100 mandated resources, any vote to approve the preliminary map is an unconstitutional exercise of power.

D. THE CONSTITUTIONAL DUE PROCESS BARRIER

Under **Article I, Section 5 (Due Process)** of the Hawai'i Constitution, no person may be deprived of life, liberty, or property without due process of law.

1. **The Rights are Property Interests:** The Hawai'i Supreme Court ruled in *Public Access Shoreline Hawaii (PASH) v. Hawai'i County Planning Commission* (1995) that traditional and customary native rights are legitimate property interests.
 2. **The Requirement of Notice and Hearing:** Because the *hoa'āina* rights within this Hanalei parcel are vested property interests, the County cannot approve maps that carve up the land without giving formal, specific notice to the native tenants and holding an evidentiary hearing to protect those interests.
-

XI. CONCLUSION OF ADMINISTRATIVE MANDATE

This property is uniquely bound by law because it consists of ancestral lands that were never legally stripped of native tenant encumbrances at the root of title.

The Subdivision Committee **lacks administrative competency** to grant Preliminary Subdivision Map Approval for Application No. S-2026-10 because it has failed to compel the developer to prove a clean chain of origin, and failed to execute its mandatory

constitutional duties under *Ka Pa‘akai O Ka ‘Āina*. Any action taken today to advance this project without satisfying these constitutional elements is void as a matter of law.

**NOTICE OF SHIFTING BURDEN OF PROOF PURSUANT TO *KA PA‘AKAI O KA ‘ĀINA*
TO THE PLANNING COMMISSION SUBDIVISION COMMITTEE:**

COMES NOW Roslyn Cummings, *hoa‘āina*, giving formal notice that I have met my initial burden of production under *State v. Hanapi* by asserting my identity as a Native Hawaiian descendant exercising and protecting un-extinguished traditional, customary, and ancestral property rights on the undeveloped lands of **Subdivision Application No. S-2026-10 (Princeville Meadows)**.

Pursuant to the binding mandates of the Hawai‘i Supreme Court in *Ka Pa‘akai O Ka ‘Āina* and *In re Kukui (Molokai), Inc.*:

1. **The Burden of Proof Rests Entirely on the Developer:** The applicant, PRW Princeville Development Company, LLC, bears the absolute burden of persuasion to prove by a preponderance of evidence that the proposed 65-lot subdivision will not impair native practices or resources.
2. **Prohibition of Shifting:** This Committee is strictly prohibited by law from shifting the burden onto the *hoa‘āina* to prove harm or disprove title.
3. **Affirmative Duty:** The Committee lacks the legal competency to vote on this item until it independently investigates and enters a full *Ka Pa‘akai* analysis into the record.

Any vote to approve this preliminary map without the developer satisfying this supreme evidentiary burden constitutes a fatal error of law, rendering the decision void *ab initio*.

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR

JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

July 13, 2026

Agency comments received by the Planning Department as of July 13, 2026 8:30 am for the July 14, 2025, Planning Commission, Subdivision Committee meeting regarding the following items:

- F.1.a. Subdivision Application No. S-2026-10
Princeville Meadows Subdivision
PRW Princeville Development Company, LLC.
Proposed 65-Lot Subdivision
TMK: (4) 5-3-013: 044
Hanalei, Kaua'i
- F.1.b. Subdivision Application No. S-2021-5
Lot 19 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 8-Lot Subdivision
TMK: (4) 2-6-022: 055
Kōloa, Kaua'i
- F.1.c. Subdivision Application No. S-2022-2
Lot 18 of Kukui'ula Parcel H Subdivision
Kukui'ula Vistas, LLC.
Proposed 7-Lot Subdivision
TMK: (4) 2-6-022: 054
Kōloa, Kaua'i
- F.1.d. Subdivision Application No. S-2022-8
Kukui'ula Parcel X Subdivision
BBCP Kukui'ula Parcel X, LLC. Et Al.
Proposed 2-Lot Consolidation and Re-subdivision into 4-Lots
TMKs: (4) 2-6-015: 010 and 011
Kōloa (Makāi), Kōloa, Kaua'i

Kenneth Estes

From: Planning Department
Sent: Friday, July 10, 2026 10:04 AM
To: Kenneth Estes; Shanlee Jimenez
Subject: Fw: Notice of Omission, Systemic Violation of Equal Protection, Objections to All Preliminary Map Approvals and Extensions Listed on the July 14, 2026 Agenda, and Demand for Phrased Burden Allocation

From: Roslyn Cummings <roslyncummings@ymail.com>
Sent: Thursday, July 9, 2026 8:29 PM
To: Planning Department <planningdepartment@kauai.gov>
Subject: Notice of Omission, Systemic Violation of Equal Protection, Objections to All Preliminary Map Approvals and Extensions Listed on the July 14, 2026 Agenda, and Demand for Phrased Burden Allocation

CAUTION: This email originated from outside the County of Kauai. Do not click links or open attachments even if the sender is known to you unless it is something you were expecting.

FORMAL ADMINISTRATIVE NOTICE, OBJECTION, AND DEMAND FOR BURDEN ALLOCATION UNDER EQUAL PROTECTION

TO:

- **Ka'āina S. Hull**, Clerk of Commission / Planning Director
- **Glenda Nogami Streufert**, Chair, Subdivision Committee
- **Helen Cox**, Vice Chair, Subdivision Committee
- **Dan Giovanni**, Member, Subdivision Committee
- **County of Kaua'i Planning Department** (planningdepartment@kauai.gov)
- **Office of Boards & Commissions** (adavis@kauai.gov)

FROM: Roslyn Cummings, appearing specially, not generally, as a *nā kānaka, kānaka maoli, ho'oilina*, and *hoa'āina*

DATE: July 14, 2026

RE: Notice of Omission, Systemic Violation of Equal Protection, Objections to All Preliminary Map Approvals and Extensions Listed on the July 14, 2026 Agenda, and Demand for Phrased Burden Allocation

SUBJECT AGENDA ITEMS:

- **Subdivision Application No. S-2026-10** (Princeville Meadows Subdivision; PRW Princeville Development Company, LLC; Proposed 65-Lot Subdivision; TMK: (4) 5-3-013:044, Hanalei, Kaua'i; Agenda Item G(1)(a) and H(1))

- **Subdivision Application No. S-2021-5** (Lot 19 of Kukui'ula Parcel H Subdivision; Kukui'ula Vistas, LLC; Proposed 8-Lot Subdivision; TMK: (4) 2-6-022:055, Kōloa, Kaua'i; Agenda Item G(2)(a) and H(2))
 - **Subdivision Application No. S-2022-2** (Lot 18 of Kukui'ula Parcel H Subdivision; Kukui'ula Vistas, LLC; Proposed 7-Lot Subdivision; TMK: (4) 2-6-022:054, Kōloa, Kaua'i; Agenda Item G(2)(b) and H(3))
 - **Subdivision Application No. S-2022-8** (Kukui'ula Parcel X Subdivision; BBCP Kukui'ula Parcel X, LLC. Et Al.; Proposed 2-Lot Consolidation and Re-subdivision into 4-Lots; TMKs: (4) 2-6-015:010 and 011, Kōloa (Makai), Kōloa, Kaua'i; Agenda Item G(2)(c) and H(4))
-

I. SPECIAL APPEARANCE AND DECLARATION OF IDENTITY

COMES NOW Roslyn Cummings, appearing specially, not generally, as a *nā kānaka, kānaka maoli, ho'oilina* (heir), and *hoa'āina* (native tenant) of the soil. This appearance does not submit to, nor waive any jurisdictional defects of, the domestic municipal jurisdiction of the County of Kaua'i or the State of Hawai'i. This special appearance is made under the authority of the 1839 Declaration of Rights, the 1840 *Kānāwai* (Constitution), the 1846 *Kānāwai*, the 1848 *Māhele* (establishing the three divisions of Crown, Konohiki, and Government lands), the 1850 Kuleana Act, the 1859 *Kānāwai*, the 1860 Law of Sepulture, and the 1872 *Kānāwai*.

This notice serves to formalize the continuous, un-relinquished vested rights of native tenants preserved through the 1893 Executive Protest of Queen Lili'uokalani and the 1897 *Kū'ē* Petitions, which legally bar any presumption of absolute title or complete administrative authority by the County of Kaua'i over the subject lands of Hanalei and Kōloa.

II. NOTICE OF ADMINISTRATIVE OMISSION AND JURISDICTIONAL DEFECTS

This document serves as a formal Notice of Omission to Ka'āina S. Hull, Clerk of Commission, and the sitting members of the Subdivision Committee. The Planning Commission has systematically omitted the mandatory, independent constitutional inquiry required before reviewing discretionary preliminary subdivision approvals and extension requests.

An approval of a preliminary plat or an extension of an expiring map is a discretionary administrative act that requires a fresh assessment of legal compliance. By failing to perform an independent review of un-extinguished *hoa'āina* rights on the Hanalei and Kōloa parcels, the County has committed a fatal administrative omission that strips the Committee of its competence and legal capacity to vote on these items. The inclusion of these specific applications in Executive Sessions H(1), H(2), H(3), and H(4) for legal consultation establishes the County's acute awareness of the unresolved legal, historical, and proprietary defects clouding title and jurisdiction over these tracts.

III. VIOLATION OF THE EQUAL PROTECTION MANDATE

Upholding the statutory frameworks of **HRS § 1-1** and **HRS § 7-1** is an absolute constitutional mandate. Under **Article I, Section 5 of the Hawai'i State Constitution** and the **Fourteenth Amendment to the United States Constitution**, all individuals are guaranteed Equal Protection under the law.

1. **Asymmetric Application of Law:** The County of Kaua'i violates Equal Protection by providing a streamlined, non-evidentiary administrative pathway for corporate developers (PRW Princeville Development Company, LLC, Kukui'ula Vistas, LLC, and BBCCP Kukui'ula Parcel X, LLC Et AL.) while simultaneously omitting, suppressing, and bypassing the explicit statutory rights of the *hoā'āina* on the exact same soil.
 2. **Unconstitutional Discrimination Against Vested Rights:** Administering land-use regulations in a manner that accepts a developer's unverified property assertions while ignoring the self-executing, vested statutory rights of native tenants creates an unconstitutional, asymmetric enforcement mechanism designed to favor corporate entities over ancestral title.
-

IV. THE BRIDGING OF HAWAIIAN USAGE LAW TO THE COUNTY ADMINISTRATIVE MANDATE

The County of Kaua'i Planning Commission and its Subdivision Committee are legally bound by a clear statutory hierarchy that incorporates Hawaiian usage law directly into municipal operations:

1. **HRS § 1-1 (Common Law; Hawaiian Usage Exception):** The statutory laws of the State of Hawai'i explicitly subordinate standard English common law to "Hawaiian Kingdom jurisprudence precedent" and "Hawaiian usage" established prior to November 25, 1892. Pre-existing native rights are vested, permanent, and un-extinguished by subsequent subdivision plats or extensions.
2. **HRS § 7-1 (Rights of the People):** This statute guarantees the unimpeded right of native tenants to enter private land to gather wood, thatch, water, and resources, ensuring that the physical fragmentation of a parcel via subdivision cannot extinguish these explicit usufructuary rights.
3. **HRS § 7-2 (Rights to Driftwood):** This statute preserves the explicit, historic right of native tenants to gather driftwood within the coastal and ahupua'a boundaries for non-commercial utility.
4. **HRS § 172-11 and § 172-12 (Land Patents and Boundaries):** These provisions command that all land titles derived from Land Commission Awards (LCA) remain strictly subject to the preserved rights of native tenants (*Kuleana*).

Constitutional Anchors

These statutory obligations bridge directly into the supreme law, binding the County through:

- **State of Hawai'i Constitution Article I, Section 1 (Inherent Rights):** All political power is inherent in the people, and responsibility for the protection and preservation of their health, safety, and well-being rests with the State. All persons are free to enjoy life, liberty, and the pursuit of happiness, and the safe security of their vested property rights.
- **State of Hawai'i Constitution Article I, Section 2 (Privileges of Citizens):** Prevents the deprivation of individual rights and privileges guaranteed to any citizen, ensuring no asymmetric administrative actions selectively strip native tenants of ancestral property rights.
- **State of Hawai'i Constitution Article IX, Section 10 (Preservation of Cultural Resources):** Compels that the State and its political subdivisions shall provide for the protection

and preservation of all ancient, cultural, and historic resources, including archaeological and structural sites.

- **State of Hawai'i Constitution Article XII, Section 7 (Traditional and Customary Rights):** Mandating that the State and its political subdivisions shall protect all rights customarily and traditionally exercised for subsistence, cultural, and religious purposes.
-

V. JUDICIAL PRECEDENT & DEMAND FOR PROOF OF LAND ORIGIN

The controlling principles of *Maui Land & Pineapple Co. v. Kanaina*, 6 Haw. App. 433, 725 P.2d 1159 (1986), dictate that a private entity or municipality cannot summarily quiet title or alter boundaries to eliminate *hoa'āina* rights. The County of Kaua'i cannot rely on a developer's clean title report to bypass its regulatory obligation to protect unrecorded or traditionally exercised native rights.

The County and the developers bear the absolute burden of proof to demonstrate the lawful extinguishment of native tenant (*hoa'āina*) rights from the root of title to the present day. This Committee must stay all actions until the developers produce and prove compliance with the universal reservation clause contained in all original government land transfers: "*Malama na poe e noho ana ma ka aina*" (Protecting the rights of the native tenants living on the land).

VI. THE BINDING OF THE AHUPUA'A: MAUKA-TO-MAKAI STRUCTURAL JURISDICTION

The land divisions subject to the July 14, 2026 agenda are structurally governed by the ancestral *Ahupua'a* system—a, mountain-to-sea (*Mauka to Makai*) ecological system under rule of law, law of evidence, fact of law. This system is actively codified under Hawaiian Kingdom law, absorbed into United States domestic federal law and enforced through state statutory mandates.

The County of Kaua'i, along with all state and federal sub-agencies and individual administrative agents, possess zero discretionary authority to decouple *Mauka to Makai* environmental destruction. Under **Article IX, Section 10 of the Hawai'i Constitution**, they are explicitly commanded to protect the unfragmented flow of natural, cultural, and historic resources across the entire ecosystem.

A. THE ANCHOR LAWS OF THE HAWAIIAN KINGDOM

The foundational legal architecture protecting mountain-to-sea continuity resides in the organic statutes of the Hawaiian Kingdom, which remain un-relinquished and binding on the soil:

1. **The 1839 Declaration of Rights:** Decreed that all property, from the mountains to the fishing grounds, belongs to the people and the chiefs, protecting it from arbitrary alienation or ecological destruction by administrative fiat.
2. **The 1840 Constitution (*Kānāwai Baibala*):** Established that the lands of the kingdom were not the private property of individual rulers or foreign corporations, but were held in a permanent sovereign framework for the collective preservation of the *nā kānaka*.

3. **The Act of August 6, 1850 (The Kuleana Act):** Explicitly reserved the permanent gathering, water, and transit rights of the *hoa'āina* within their respective *ahupua'a*, ensuring that no private land purchase or municipal subdivision could sever native access to mountain resources or coastal waters.
4. **The Civil Code of 1859, Section 1477:** Permanently codified the right of native tenants to take firewood, house-timber, thatch, cordage, and water from the landlord's estate within the *ahupua'a* for their own immediate survival and agricultural sustenance.

B. THE SUPREMACY OF TREATY LAW

Under **Article VI, Section 2 of the United States Constitution (The Supremacy Clause)**, treaties are explicitly established as the supreme law of the land, binding all state and local judges and administrative agencies, anything in the constitution or laws of any state to the contrary notwithstanding.

The **1849 Treaty of Friendship, Commerce, and Navigation** executed between the United States of America and the Hawaiian Kingdom remains an active, un-extinguished international compact protecting the property and soil rights of its citizens. Sovereign land distribution frameworks, title lineages, and resource balances established under Kingdom law cannot be settled, dissolved, or re-carved based on domestic administrative opinion, rendering municipal map actions in violation of those frameworks void *ab initio*.

VII. ENUMERATED MAUKA-TO-MAKAI PROTECTED RESOURCES

The Subdivision Committee and the applicants are hereby ordered to demonstrate compliance with this unified *Ahupua'a* doctrine. To satisfy the demands of **Article I, Sections 1 and 2, and Article IX, Section 10 of the Constitution**, they must prove that the development of the proposed lots will not corrupt, diminish, or interrupt the following mountain-to-sea resources, identified in both *'Ōlelo Hawai'i* (Hawaiian Language) and English:

The Mauka (Mountain & Watershed) Domain

1. **Wai Kahawai / Perennial Stream Systems:** Natural, undisturbed mountain stream flows that replenish gravity-fed agricultural networks and maintain thermal balance.
2. **Ulu Lā'au / Indigenous Forest Canopy:** Deep watershed forests that serve as the primary engine for rain collection and aquifer recharge.
3. **Repo Kahawai / Riparian Silt Beds:** Upland soils and natural stream banks that prevent catastrophic erosion, mudslides, and downstream sedimentation.
4. **Lā'au Ala / Sacred Fragrant Flora:** High-altitude ecological zones harboring endemic medicinal and ceremonial plants.

The Kula (Agricultural & Plains) Domain

1. **'Auwai / Irrigation Networks:** Historical and modern hand-carved stone channels facilitating the equitable distribution of freshwater between downstream farming tracts.
2. **Wai Puna / Natural Aquifers and Springs:** Subterranean freshwater systems providing pure drinking water and maintaining hydrostatic pressure against ocean water intrusion.

3. **Lo'i and Mala / Arable Soil Tracts:** Active and historical agricultural soils designated for indigenous food cultivation to secure regional food self-sufficiency.

The Makai (Coastal & Marine) Domain

1. **Muliwai / Estuary and Brackish Ecosystems:** Critical junctions where freshwater streams meet the ocean, serving as the biological nursery for nearshore marine life.
2. **Kāheka / Intertidal Basalt Reef Pools:** Nearshore rock formations providing primary protein gathering grounds for localized *hoa'āina* families.
3. **Loko I'a / Sovereign Fishponds:** Ancient stone-walled marine enclosures engineered to harvest coastal fish populations without exhausting open-ocean stocks.
4. **Limu and Reef Benthos / Marine Flora and Reef Bed:** Nearshore algal and coral communities that stabilize the coastal shelf and provide the biological foundation for marine ecosystems.

VIII. NOTICE OF SHIFTING BURDEN OF PROOF PURSUANT TO KA PA'AKAI O KA 'ĀINA

COMES NOW Roslyn Cummings, *hoa'āina*, giving formal notice that I have met my initial burden of production under *State v. Hanapi* by asserting my identity as a Native Hawaiian descendant exercising and protecting un-extinguished traditional, customary, and ancestral property rights on the undeveloped lands under application.

Paralleling the binding mandates of the Hawai'i Supreme Court in *Ka Pa'akai O Ka 'Āina* and *In re Kukui (Molokai), Inc.*:

1. **The Burden of Proof Rests Entirely on the Developers:** The applicants bear the absolute burden of persuasion. They must prove by a preponderance of concrete evidence that the requested subdivisions and extensions will not impair or diminish native practices or resources.
2. **Prohibition of Shifting:** The Committee is strictly prohibited by rule of law from shifting the burden onto the *hoa'āina* to prove harm or disprove the developer's title claims.
3. **Affirmative Duty:** The Committee lacks the legal competency to vote on any approval or extension request until it independently investigates and enters a full *Ka Pa'akai* analysis into the record.

IX. SELF-EXECUTING ADMINISTRATIVE FEE SCHEDULE & CONDITIONAL ACCEPTANCE

This Fee Schedule is **self-executing, self-binding, and constitutes an administrative judgment by operation of law** under the First Amendment of the United States Constitution, the State of Hawai'i Constitution Article I, Section 4 (Right to Petition), and the foundational laws of the Hawaiian Kingdom. Any action, omission, or bad-faith maneuver to bypass this notice constitutes an intentional contract acceptance to pay the following liquidated damages:

Violation Code / Activity	Statutory & Sovereign Basis	Administrative Fee (USD)
VC-001: Failure to Respond	Intentional default / Waiving of administrative rebuttal rights.	\$100,000.00 per calendar until answered.
VC-002: Violation of Equal Protection	Breach of Hawai'i Const. Art. I, Sec. 5 ; asymmetric enforcement of land use law favoring developers over native tenants.	\$1,500,000.00 per occurrence / per vote.
VC-003: Inherent Rights & Property Deprivation	Breach of Hawai'i Const. Art. I, Sec. 1 & 2 ; administrative stripping of protected property and ancestral security.	\$2,000,000.00 per individual official liable.
VC-004: Violation of Hawaiian Usage	Breach of HRS § 1-1 ; ignoring pre-1892 native customary rights and usage.	\$250,000.00 per occurrence per vote.
VC-005: Unlawful Access Deprivation	Breach of HRS § 7-1 ; cutting off traditional gathering, water, or transit access.	\$500,000.00 per parcel / per incident.
VC-006: Driftwood Gathering Interference	Breach of HRS § 7-2 ; interfering with traditional gathering of ocean-deposited wood.	\$250,000.00 per incident.
VC-007: Cultural Resource Omission	Breach of Hawai'i Const. Art. IX, Sec. 10 ; failing to provide for the protection and preservation of historic or ancient resources.	\$3,000,000.00 per affected site.
VC-008: Land Patent Fraud / Plat Approval	Breach of HRS § 172-11 & 172-12 ; extending maps overlaying un-isolated <i>Kuleana</i> lands.	\$1,000,000.00 per approved extension or map.
VC-009: Desecration of Sepulture / Cultural Theft	Breach of 1860 Law of Sepulture & Hawai'i Const. Art. IX, Sec. 10 ; grading or disturbing <i>iwi</i> .	\$5,000,000.00 per incident plus criminal referrals.
VC-010: International Treaty Infringement	Breach of U.S. Const. Art. VI, Sec. 2 ; violating protections of the 1849 Treaty .	\$10,000,000.00 per actionable title cloud created.

Silence, non-response, or a procedural refusal to enter these items into the official record within three (3) business days of delivery constitutes an admission of truth and a confession of judgment.

X. COURT-READY VERIFICATION AND EXHAUSTION OF ADMINISTRATIVE REMEDIES

This document is formally executed and served to satisfy the requirements for the **Exhaustion of Administrative Remedies** under HRS Chapter 91. In the event that this Committee votes to approve or extend any subdivision application listed on the July 14, 2026 agenda without executing its non-delegable constitutional duties, this document shall be immediately introduced as primary evidence in a

court of competent jurisdiction to prove **actual notice, willful blindness, and intentional deprivation of rights under color of law.**

XII. ADMINISTRATIVE TRANSPARENCY, INFRASTRUCTURAL INTEGRITY, AND DISASTER RISK MITIGATION

The County of Kaua'i, the Planning Commission, and the respective developers (*Applicants/Permittees*) are hereby placed under actual notice that they bear an absolute, non-delegable duty to verify environmental security and structural viability prior to executing any discretionary approvals or map extensions. The historical geography from *Mauka* to *Makaimandates* that localized structural development cannot present threats of physical harm, injury, property trespass, or ecological transgression against the *Ahupua'a*, *Moku*, and *Mokupuni*. [1]

To fulfill the requirements of **Article I, Sections 1 and 2, and Article IX, Section 10 of the State of Hawai'i Constitution**, alongside the foundational protections of the **1839 Declaration of Rights**, the following infrastructure and hazard mitigations are legally forced onto the record:

A. TOXIC RUNOFF AND WETLAND CONTAMINATION (LO'I WETLANDS PROTECTION)

The application of chemical modifiers, synthetic landscape enhancers, and agricultural poisons is strictly prohibited within the subject parcels to protect downstream networks.

1. **Mandatory Pesticide and Herbicide Ban:** Due to the direct subterranean and surface hydrological connections to active *Lo'i Kalo* (wetland taro patches), all permittees are bound to an absolute ban on hazardous chemical usage.
2. **Harm to Downstream Ecosystems:** Runoff containing toxic agents constitutes an intentional transgression and physical trespass against the natural resource streams (*Wai Kahawai*) feeding coastal habitats.

B. NATIVE AVIAN AND CANOPY TREE INTERDEPENDENCE (NATIVE BIOTA PROTECTION)

The integrity of the *Ahupua'a* rests upon the preservation of unfragmented botanical and biological life.

3. **Avian Protection Mandates:** Permittees must preserve nesting habits and migratory flight paths of native birds (*Manu*). Development configurations that cause avian mortality or habitat fragmentation violate the conservation mandates of **Article IX, Section 10**.
4. **Preservation of Native Trees:** Upland forest canopies (*Ulu Lā'au*) and historic trees cannot be cleared, as they serve as the structural anchor preventing catastrophic hillside degradation and soil erosion.

C. SHIFTING LIABILITY FOR CLIMATE AND SEISMIC HAZARDS (*RECENT DISASTER CASE LAW*)

In light of extensive climate-fueled liabilities across the archipelago—specifically demonstrated by the catastrophic losses in the **Lahaina Wildfire Litigation** (*In re Maui Fire Cases*, 2024)—the burden of liability for infrastructure failure shifts entirely to the developers and approving public agents.

5. Evacuation and Disaster Management: The applicants must prove that the subdivision infrastructure accommodates rapid emergency ingress and egress during overlapping crises, including:

- * ***Ua Hālana* / Flash Flooding & Hurricanes:** Inundation of lower-tier coastal roadways.
- * ***Hāne'e Kahakai* / Landslides & Mudslides:** Upland soil failures blocking main access arteries.
- * ***Ōla'i* / Earthquakes & Tsunamis:** Seismic events generating catastrophic nearshore inundation zones.
- * ***Ahi Wao* / Wildfires:** Wind-driven fires interacting with unmaintained brush on agricultural buffers.

6. Absolute Indemnification: If the County or developers approve extensions without verifying independent emergency capacities, they accept direct civil liability for wrongful death, property injury, and constitutional due process deprivations resulting from preventable disasters. [1, 2, 3, 4]

D. HYDROLOGICAL FRAUD AND STRUCTURAL DRAINAGE (*THE ILLEGALITY OF WATER PILING*)

Water is a permanent sovereign asset that must follow natural topological pathways from *Maukato Makai*.

- 7. Piling of Water Prohibited:** Diverting, collecting, or structural "piling" of surface water to create artificial retention sheets that alter natural drainage networks is illegal.
- 8. Drainage Disclosures:** Permittees must provide clear mathematical proof tracking water usage—explicitly defining where water is pulled from and where discharge flows to—ensuring no adjacent parcels or downstream *hoa'āina* kuleana suffer artificial flooding, trespass, or structural injury.

E. DISCLOSURE OF ANCESTRAL SUBTERRANEAN VOIDS (*ANA CAVE SYSTEMS & BURIALS*)

The limestone and basalt geologies of the Kōloa and Hanalei *moku* frequently contain hidden historical matrices.

- 9. Protection of Subterranean Voids (*Ana*):** Permittees must cease all operations if structural grading penetrates unknown *Ana* (cave or lava tube systems), which act as vital water filtration veins and historic cultural repositories.
- 10. State Historic Preservation Division (SHPD) Review:** No map approval or extension can legally advance without an active, unexpired Archaeological Inventory Survey (AIS) and a formal SHPD compliance determination letter documenting that *Iwi*

Kuamo'o (ancestral skeletal remains) are fully mapped, isolated, and protected from desecration under the **1860 Law of Sepulture**.

F. ABSOLUTE ADMINISTRATIVE TRANSPARENCY AND PUBLIC DISCLOSURE

To prevent procedural concealment and ensure Equal Protection under **Article I, Section 5**, all structural validation reports must be made completely transparent and instantly accessible to the public via online portals and direct email dispatch. The Committee must stay all voting actions until the following documents are publicly disclosed:

- **Comprehensive Title Origin Report:** Tracking the land patent from the 1848 Great Māhele to verify underlying native title encumbrances.
 - **Complete Environmental Impact Statements (EIS) & Assessments:** Reviewing mountain-to-sea degradation risks.
 - **Department of Health (DOH) Waste and Wastewater Permits:** Ensuring no coastal injection wells foul nearshore ecosystems.
 - **County of Kaua'i Engineering, Grading, and Water Rights Permits:** Verifying infrastructure structural capacities. [1, 2]
-

XIII. FINAL CONCLUSION AND DISASTER DEFAULT

Any administrative push to grant preliminary map approvals or extension waivers to **PRW Princeville Development Company, LLC** or **Kukui'ula Vistas, LLC** while these infrastructural, environmental, and disaster disclosures remain omitted constitutes an intentional, bad-faith act under color of law. By moving forward without a fully transparent, verifiable *Ka Pa'akai* assessment of these 10 hazard criteria, the Subdivision Committee acts without constitutional competency. The individual commissioners, planners, and developers accept full, un-indemnified financial and civil liability for any ensuing property injury, environmental transgression, or loss of life.

I declare under penalty of perjury under the laws of the soil that the foregoing statements and declarations of identity and vested rights are true, correct, and legally preserved.

All rights reserved, without prejudice, and without recourse.

Respectfully submitted with Reserved Rights,

By: **Roslyn Cummings**

Roslyn Cummings

Specially appearing as Nā Kānaka, Kānaka Maoli, Ho'oilina, Boss, Hoa'āina

Under the Protection of the 1839 Declaration of Rights, Treaty Law, and the Laws of the Soil.