

To: Supporters of the Sacred Summit of Mauna Kea
From: Mauna Kea Anaina Hou
Date: April 20, 2008

Aloha Kakou,

We have received many inquiries from supporters, wishing to remain in standing for the protection of Mauna Kea, regarding the meetings called by the University of Hawai'i's planning firm--Ku`iwalu Consulting LLC. It is our understanding that Ku`iwalu Consulting LLC is contacting various groups and individuals to meet with them to discuss a "comprehensive management plan" for Mauna Kea "pursuant" to the recent court order. There are a number of problems with the claims and assertions being presented to the public by the University and Ku`iwalu. (/Please see also attached letter from Mauna Kea Hui to BLNR regarding other University/Ku`iwalu meetings)

As many of you already know recently the people and the Mauna Kea Hui plaintiffs (Mauna Kea Anaina Hou, Sierra Club, Hawai'i Island Chapter, Clarence Ching and the Royal Order of Kamehameha I) won the case for the protection and conservation of Mauna Kea. However, both the University and BLNR are appealing this court decision, a decision that specifically calls for the protection and conservation of Mauna Kea. All of the above named plaintiffs are back in court in the Intermediate Court of Appeals, against both the BLNR and University. In short, the University is seeking to have the lower court decision protecting Mauna Kea overturned.

We are not participating with University/Ku`iwalu nor can we in good conscience encourage others to participate in the meeting being sponsored by the University and Ku`iwalu for the following reasons:

1. Ku`iwalu Consulting LLC is hired by the University and therefore is an agent for the University. The University is the developer of Mauna Kea. It is inappropriate for the developer (a conflicted party) to determine the scope of public access, Native Hawaiian rights, conservation and development of Mauna Kea all at the same time.
2. We are plaintiffs in the current lawsuit and must preserve our arguments for the court, hence we cannot participate in these meetings. The lower court decision was clear, the BLNR has the duty to protect and conserve the entire summit of Mauna Kea. The court called for a Conservation Plan for Mauna Kea, not a Development plan for more telescopes/observatories. We believe it is inappropriate for any developer including the University to claim to be the controllers of any conservation lands such as those of Mauna Kea.
3. The University/Ku`iwalu Consulting is claiming they are following the court order for protection of Mauna Kea, but if this is in fact the case, then why is the University still appealing the court order? It is inappropriate to claim to be following the court's order while simultaneously seeking to have the court order overturned.
4. The BLNR is the legally responsible entity mandated to protect and conserve the delicate cultural and natural resources of all conservation districts in Hawai'i, including Mauna Kea. The

University is not the legally responsible entity and cannot make claims that they are. It is inappropriate for them to call the public to participate and to give testimony on the use of conservation lands when they have no legal authority or say over these lands. The University is only a leasee/developer, and as such is required to follow the BLNR rules of conservation for the Mauna Kea Conservation District. Furthermore, the Supreme Court has address this questions numerous times and has repeatedly held that State may not transfer their legal responsibilities to anyone else, including developers. The University's claim that they are doing this with BLNR consent ignores previous court rulings on this same question.

We hope this clarifies our positions regarding the University'/Ku`iwalu's call for meetings and public input on Mauna Kea. As the court process continues we will do our best to keep everyone informed and updated. We remain firm in our commitment for no further development, destruction and or desecration of Mauna Kea. We remain steadfast in our commitment for Justice, Peace and Aloha for the `Aina and People of Hawai`i and the World. We thank you all for your show of Aloha and support for Mauna Kea--it gives us hope and strength to continue to resist further destruction of Mauna Kea and to stand for the life--Aloha that Mauna Kea brings to the World.

Aloha no,
Kealoha Pisciotta