

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT
STATE OF HAWAII

FRIENDS OF MĀHĀ‘ULEPŪ, et. al,)	Civil No. 5CCV-24-0000021
)	
Plaintiffs,)	DECLARATION OF LLEWELYN
)	(BILLY) KAOHELAULI‘I
vs.)	
)	
5425 PAU A LAKA, LLC, et. al,)	
)	
Defendants.)	

DECLARATION OF LLEWELYN (BILLY) KAOHELAULI‘I

I, LLEWELYN (BILLY) KAOHELAULI‘I, do declare under penalty of law that the following is true and correct.

1. I make this declaration upon personal knowledge.
2. I was born on the island Kaua‘i, Manokalanipō, in 1950. I have lived my entire life in Po‘ipū/ Kōloa, on the island of Kaua‘i.
3. I am a member of Plaintiff FRIENDS OF MĀHĀ‘ULEPU, a nonprofit corporation, and a member of Plaintiff SAVE KŌLOA. We brought the above-captioned proceeding to stop Defendants 5425 PAU A LAKA, LLC, a Hawai‘i limited liability company, MP ELKO II, LLC, a Nevada limited liability company, MP FINANCIAL GROUP LTD. dba Meridian Pacific, a Nevada profit corporation, MP ELK GROVE LLC, a California limited liability company, KAUAI HALE, INC., a Delaware profit corporation from unlawful grading and grubbing for a luxury vacation condominium project named Kauanoe o Kōloa situated on approximately 27.8 acres in Kōloa, Kaua‘i, Hawai‘i, designated by Tax Map Key Nos. (4) 2-8-014-032:0001- 0019 (the “property” or “project”).
4. I am Kānaka Maoli and descended from the aboriginal people who inhabited the Hawaiian Islands before 1778.
5. I am a member of the ‘Aha Moku Advisory Committee and serve as the gubernatorial appointed Po‘o for the ‘Island of Kaua‘i Manokalanipō, and also serve as Moku for the Kona district.
6. On the south shore of Kaua‘i I was instrumental in the restoration of Kānciolouma,

and am a founding member of the Board of Directors of Hui Malama o Kāneiolouma, which is home to one of the most archeologically significant heiau on the island of Kauaʻi.

7. Kāneiolouma heiau, one of two heiau, is part of the larger Kāhuna o Kāneiolouma (“Kāneiolouma”), an important cultural site located in Poʻipū, Kōloa, Kauaʻi and just mauka of Poipu beach. Kāneiolouma is a large complex, which contains hale sites, fishponds, taro patches, auwai irrigation systems, and a makahiki arena dating back to the mid-1400s. Since 2012, Hui Mālama O Kāneiolouma, a local 501(c)(3) non-profit cultural organization, has held a formal stewardship agreement with the County of Kauaʻi.

8. Fishponds at Kāneiolouma are fed by underground freshwater flows from mauka areas, including from the property. These fishponds are connected with nearshore waters and contribute freshwater and nutrients to the coastal ecosystem.

9. Detonations of explosives have occurred on the property prior to June 2022.

10. Underground passageways exist between mauka areas, including the property, and the Kāneiolouma area. Groundwater flows from mauka to Poʻipū beach and arises as seeps and springs.

11. Kānaka Maoli traditional practitioners, including myself and others at Kāneiolouma, gather freshwater from seeps springs at the ocean in the Poʻipū beach area. These freshwater seeps have been greatly reduced since blasting has occurred on the property.

12. In late June 2022, Hui Mālama o Kāneiolouma officers, including myself and Rupert Rowe, observed Kāneiolouma fishponds were unusually and persistently stagnant. Fresh, clean water is needed for fishponds, including those at Kāneiolouma, in order to be productive. It is commonly known that these fishponds are fed by underground freshwater flows coming from mauka areas, including areas of the property.

13. In late June 2022, when the stagnant and polluted fishpond water was observed, I met with the Office of Hawaiian Affairs (OHA) Board of Directors, who all met at Kāneiolouma to hear our concerns regarding the reduced fresh water flows into the fishponds within weeks of the underground blasting that began at the property. Concerns we expressed to OHA included but were not limited to impacts nearshore water quality and ecosystems at Poʻipū beach, which fronts Kāneiolouma, and other coastal areas.

14. Further blasting on the property, including that which may be used to create detention or retention basins, may further impair underground hydrogeological flows to

Kānciolouma.

15. My exercise of Kānaka Maoli traditional and customary rights include utilizing Hapa trail, which is adjacent to the property, for gathering traditional plants and to access the beach for fishing, gathering limu and opihi, swimming and other nearshore practice.

16. The Hapa Trail, the Royal Pathway, is one used by Kānaka Maoli ancestors to connect Po'ipū beach and Kōloa town and was the only road between Po'ipū beach and Kōloa town until 1960. Walking on these traditional paths is an important cultural practice and is a way of maintaining the identity of these lands. Hapa Trail should be protected from flooding and erosion.

17. To myself and other Kānaka Maoli, the property is known as a site of spring water, burial caves, and endangered native species - the pe'ape'a maka'ole or Kaua'i blind cave spider - that is revered as an ancient aumakua. Our tradition and customs instruct that these should be protected.

18. My cultural practices include fishing and other nearshore gathering, throwing net, surfing, diving, and canoe paddling at Po'ipū that is being adversely impacted. I personally have seen an ongoing change in the clarity of the waters at Po'ipū and Waiohai beaches. The water is almost always cloudy and often times has significant floating dirt and other debris that it never used to have since approximately June 2022.


19. Erasure of historic and culturally significant sites from the land, and replacement of them with parking lots and buildings, will deter and prevent the exercise of Kānaka Maoli traditional and customary practices on and near the property, and impoverish the cultural value of the adjacent Hapa trail, including my own family home which is right adjacent to Kānciolouma.

20. Developers have likely compromised native species habitat and the resting places of iwi kupuna by their ground disturbing activities. I have seen burial mounds and know Glenn Silva would go to the property with his grandmother to take flowers to honor iwi buried there.

DECLARANT FURTHER SAYETH NAUGHT

DATED: Kōloa, Kaua'i

March 3, 2024


LLEWELYN (BILLY) KAOHELAULI'I
Declarant