FORMAL REQUEST TO ACCESS A GOVERNMENT RECORD

Uniform Information Practices Act, HRS Chapter 92F, Part II

Hawai‘i Administrative Rules Chapter 2-71

13 November 2026

VIA EMAIL

Bin C. Li

Administrative Proceedings Coordinator

Department of Land and Natural Resources

1151 Punchbowl Street, Room 131

Honolulu, HI 96813

DLNR.UIPA@hawaii.gov

bin.c.li@hawaii.gov

cc: Jessica L. Puff, PhD, State Historic Preservation Administrator and

Deputy SHPO, State Historic Preservation Division,

601 Kamokila Blvd., Suite 555, Kapolei, HI 96707

jessica.puff@hawaii.gov

cc: Dawn N.Y. Chang, Chairperson and State Historic Preservation Officer

RE: Formal UIPA request - current and final versions of the Memorandum of Agreement

for the Air Force Maui Optical and Supercomputing Site / Small Telescope

Advanced Research (AMOS STAR) undertaking, Haleakalā summit, TMK (2) 2-2-007:016.

SHPD Log No. 2025PR00129. ACHP Project Number 022091.

Aloha,

This is a formal request to access government records under Part II of Chapter 92F, Hawai‘i Revised Statutes, and Chapter 2-71, Hawai‘i Administrative Rules. It is submitted on behalf of the Protect Haleakalā Community Collective.

Please treat this as a formal request triggering the agency's obligation under HAR § 2-71-14 to issue a Notice to Requester within ten (10) business days of receipt, and to disclose records within the timelines set by HAR § 2-71-13.

BACKGROUND

In response to our earlier UIPA request, DLNR released the AMOS STAR Memorandum of Agreement "Preliminary Draft 3," dated August 20, 2026, together with Advisory Council on Historic Preservation comments on that draft dated September 16, 2026. We thank the Department for that release.

We have since been informed by a Department of Defense representative that the MOA has been finalized and has advanced beyond Preliminary Draft 3 with substantial changes. That representative has declined to provide the current version to us. The State Historic Preservation Officer is a proposed signatory to this MOA under 36 CFR § 800.6(c)(1), so SHPD should have received the current version, whether or not it has been signed.

This request is limited to the MOA and the records needed to understand its current status, including the State's position on signing it.

This letter formalizes the request for the latest MOA version made informally by Hina Kneubuhl on November 11, 2026, in the email thread for our October 21, 2026 request concerning the Executive Order set-aside for TMK (2) 2-2-007:016. It is a separate request. It does not narrow, replace, or modify the October 21 request, which remains pending in full.

RECORDS REQUESTED

For the period August 20, 2026 to the date of DLNR's response, please provide:

1. THE CURRENT OR FINAL VERSION. The most recent version of the MOA received by DLNR or SHPD, including any version identified as final, execution-ready, or for signature, with all signature pages (signed or unsigned), appendices, attachments, exhibits, maps, and figures.

2. ALL VERSIONS AFTER PRELIMINARY DRAFT 3. Every version of the MOA received, circulated, or prepared by DLNR or SHPD after Preliminary Draft 3 (August 20, 2026), in both tracked-changes and clean

form where both exist, including all embedded comments from SHPD, the Department of the Air Force, the United States Space Force, the ACHP, the Federal Aviation Administration, or any other party.

3. THE STATE'S POSITION ON SIGNING. Any record of DLNR's or SHPD's position on signing the MOA, including:

a. Any letter, email, or memorandum in which DLNR or SHPD declined to sign, deferred signature, set conditions for signature, or requested further changes;

b. Any notice by DLNR or SHPD terminating consultation under 36 CFR § 800.7(a), or any notice from the Department of the Air Force or the ACHP proposing to execute the MOA without the SHPO;

c. Internal routing sheets, review memoranda, or briefing materials prepared for the Chairperson or Deputy SHPO on whether to sign.

4. TRANSMITTAL RECORDS. Correspondence, including emails and their attachments, that transmits any version identified in Items 1 and 2 to or from DLNR or SHPD.

5. EXECUTION, IF ANY. If the MOA has been executed by any party, with or without the SHPO, any copy of the executed MOA held by DLNR or SHPD and any record showing its effective date or the date it was filed with the ACHP.

NOTES ON SCOPE, FEES, AND FORMAT

Priority: Items 1 and 3 are our primary request. If the volume of the remaining items is substantial, we consent to incremental disclosure under HAR § 2-71-15, provided Items 1 and 3 are disclosed in the first increment.

Format: Electronic copies (native Word format for MOA versions, so that tracked changes and comments are preserved, or PDF) delivered by email are preferred and should minimize search, review, and segregation costs.

Drafts: We note that the Hawai‘i Supreme Court has held that the UIPA contains no deliberative process privilege, and that an agency withholding records under the frustration exception, HRS § 92F-13(3), must make an individualized showing for the specific record. Peer News LLC v. City & County of Honolulu, 143 Haw. 472 (2018). A version that the federal agency has presented as final is not a working draft of the State's own. We also note that the Department has already released earlier drafts of this same MOA.

Fee waiver: We request waiver of search, review, and segregation fees under HAR § 2-71-32 on the ground that this request is in the public interest. The records concern a federal undertaking on a Traditional Cultural Property (Haleakalā Summit, SIHP 50-50-11-08978) that the Maui County Council unanimously opposed by Resolution 24-103 (June 5, 2024), that drew approximately 89% opposition during NEPA scoping, and that is the subject of an open Advisory Council on Historic Preservation file. The Protect Haleakalā Community

Collective is a non-commercial community organization and will publish the records at no charge at protecthaleakala.com. If fees are nonetheless assessed, please provide an estimate before incurring them.

Partial denial: If any record or portion is withheld, please identify it and cite the specific UIPA exception relied upon, as required by HAR § 2-71-14.

No records: If no responsive records exist for any numbered item, please state that affirmatively rather than omitting the item. In particular, if SHPD does not hold any version later than Preliminary Draft 3, or if no party has executed the MOA, a written statement to that effect is itself a record we are requesting.

Please direct all correspondence to info@protecthaleakala.com.

Mahalo for your assistance.

Kingi Gilbert, Hina Kneubuhl, Kahele Dukelow on behalf of the Protect Haleakalā Community Collective

info@protecthaleakala.com

protecthaleakala.com