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DEPT OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

August 10, 2016

VIA Hand-Delivery and
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Judge Riki May Amano (Ret.)
c/o DPR Hawaii, Inc.
1003 Bishop Street, Suite 1155
Honolulu, HI 96813

VIA Hand-Delivery

Suzanne Case
Chair
Board of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street, Room 131
Honolulu, HI 96813

RE: Petitioners Mauna Kea Anaina Hou, Et Al.'s Motion to Disqualify
BLNR's and Hearing Officer's Counsel, Filed on July 18, 2016;
Case No. BLNR-CC-16-002

Dear Judge Amano and Chair Case:

On July 18, 2016, the Petitioners Mauna Kea Anaina Hou, Et Al. filed their Motion to Disqualify BLNR's and Hearing Officer's Counsel, in the above-referenced matter. The hearing on the Motion, on August 5, 2016, was continued until August 12, 2016 by Hearing Officer Amano when the counsel for the Petitioners Mauna Kea Anaina Hou, Et Al. objected to not being served by Special Deputy Attorney General David M. Louie with his pleadings on behalf of Attorney General Douglas S. Chin, the Department of the Attorney General and the deputy attorney generals in their capacity as counsel for the Board of Land and Natural Resources and Hearing Officer.

During the hearings on August 5, 2016, and during arguments on unrelated motions, Hearing Officer Amano informed the parties that motions and/or objections regarding her disqualification or recusal were being heard and

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BLNR Chair Suzanne Case
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decided by the Board of Land and Natural Resources.¹ Since the instant motion to recuse both the BLNR's and the Hearing Officer's counsel involves both the disqualification of the Board's counsel, over which the Hearing Officer has no authority, and the same counsel who are serving as the Hearing Officer's counsel, the Petitioners believe that the hearing on the Petitioners' Motion should be heard simultaneously by both the Board of Land and Natural Resources and the Hearing Officer. Such a simultaneous hearing, which is hereby requested, is to ensure that there is no predetermination of the issue of disqualification of counsel by the Hearing Officer before the Board hears the motion, or vice versa. Should such a simultaneous hearing not be set, and the matter of counsel's disqualification be considered as it would with objections and requests for recusals for the Hearing Officer by the Board, instead, the Petitioners request a hearing before the Board and also an opportunity to respond to the Special Deputy Attorney Generals' pleadings in opposition to the Petitioners' Motion. Furthermore, the Petitioners request that the contested case proceedings be stayed, given the significance of the Board's and Hearing Officer's counsel in providing fair and impartial advice in what is supposed to be a fair and impartial contested case hearing, until the decision is made on the counsel in question.

Respectfully submitted.

Very truly yours,



Richard Naiwieha Wurdeman

cc: All Counsel and Parties as
indicated on the attached Certificate
of Service List

¹ The Board has still not ruled on Petitioners' renewed objections of April 15, 2016 and thereafter in their Renewal of Objections to Hearing Officer Selection Process and Hearing Officer Appointment, filed on July 26, 2016.

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
) CERTIFICATE OF SERVICE
A Contested Case Hearing Re)
Conservation District Use Permit)
(CDUP) HA-3568 for the Thirty Meter)
Telescope at the Mauna Kea Science)
Reserve, Kahohe Mauka, Hamakua)
District, Island of Hawaii,)
TMK (3) 4-4-015:009)
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date set forth below, a true and correct copy of the foregoing document was served on the following parties by the means indicated:

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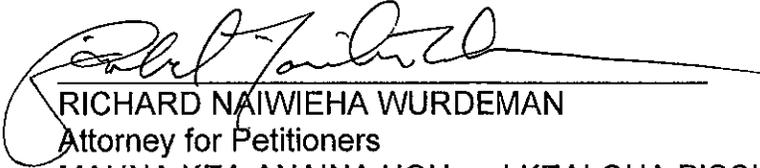
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DATED: Honolulu, Hawaii, August 10, 2016.



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CLARENCE KUKAUAKAHI CHING; FLORES-CASE
OHANA; DEBORAH J. WARD; PAUL K NEVES; and
KAHEA: THE ENVIRONMENTAL ALLIANCE, a domestic
non-profit Corporation