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2016 SEP -8 P 3:36  
DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Attorney for Petitioners  
MAUNA KEA ANAINA HOU and KEALOHA PISCIOTTA;  
CLARENCE KUKAUAKAHI CHING; FLORES-CASE  
OHANA; DEBORAH J. WARD; PAUL K. NEVES; and  
KAHEA: THE ENVIRONMENTAL ALLIANCE,  
a domestic non-profit Corporation

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF ) Case No. BLNR-CC-16-002  
)  
) PETITIONERS MAUNA KEA  
A Contested Case Hearing Re ) ANAINA HOU, ET AL.'S  
Conservation District Use Permit ) REQUEST FOR FURTHER  
(CDUP) HA-3568 for the Thirty Meter ) STATUS CONFERENCE AND/  
Telescope at the Mauna Kea Science ) OR CONSIDERATION OF  
Reserve, Kahohe Mauka, Hamakua ) PROPOSED SCHEDULED;  
District, Island of Hawaii, ) DECLARATION OF COUNSEL;  
TMK (3) 4-4-015:009 ) EXHIBITS "A -B"; and CERTIFICATE  
) OF SERVICE  
)  
\_\_\_\_\_ )

PETITIONERS MAUNA KEA ANAINA HOU, ET AL.'S REQUEST  
FOR FURTHER STATUS CONFERENCE AND/OR  
CONSIDERATION OF PROPOSED SCHEDULING

COME NOW Petitioners MAUNA KEA ANAINA HOU and KEALOHA  
PISCIOTTA; CLARENCE KUKAUAKAHI CHING; FLORES-CASE OHANA; DEBORAH  
J. WARD; PAUL K. NEVES; and KAHEA: THE HAWAIIAN ENVIRONMENTAL  
ALLIANCE, a domestic non-profit corporation (collectively referred to also as "Mauna  
Kea Anaina Hou Petitioners" or "Mauna Kea Anaina Hou, Et Al."), by and through their  
undersigned counsel, and hereby respectfully request the setting of a further status  
conference for scheduling of matters and/or respectfully request for the Hearing Officer

to consider something along the lines of the proposed further scheduling as set forth herein.<sup>1</sup>

Consistent with due process and the scheduling that was filed in the first contested case, that is being offered just as an example for scheduling, the Mauna Kea Petitioners respectfully request that a submission date for the University of Hawaii at Hilo and for TMT International Observatory, LLC, for its Opening Brief, Witness Lists, Written Direct Testimony for Each Witness, Exhibit Lists and Exhibits be set at a reasonable time for those parties by September 30, 2016, or a reasonable time, thereafter, given that the issues presented still need to be determined in this matter. The Applicant has the burden of proof in this matter and TMT International Observatory, LLC, is certainly aligned on the issues with UH Hilo.

That all other parties, including the Mauna Kea Anaina Hou, Et Al. Petitioners, submit their Opening Briefs, Witness Lists, Written Direct Testimony for Each Witness, Exhibit Lists and Exhibits by October 31, 2016, or a further extension based on whatever further number of days are extended from the September 30<sup>th</sup> date above.

That Reply Briefs, Reply Written Testimony and Reply Exhibits and Reply Exhibit Lists be submitted by UH Hilo and TMT International Observatory, LLC, by November 10, 2016.

That the hearings be set thereafter according to counsel availability, witness availability, and other parties' availability.

While this Hearing Officer referenced in an earlier Minute Order that she was looking to set contested case evidentiary hearings in October, no dates have been set, and, outside of a couple of days in late October, that are not continuous, counsel for the Mauna Kea Anaina Hou, Et Al. Petitioners already has scheduling conflicts. Counsel is currently available between November 15<sup>th</sup>-18<sup>th</sup> and on November 21<sup>st</sup>-22<sup>nd</sup>. If those dates are not acceptable, counsel is also available during the week of December 5<sup>th</sup>,

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<sup>1</sup> Should the Mauna Kea Anaina Hou, Et Al.'s Motion to Strike Conservation District Use Application, HA-3568, Dated September 2, 2010, and/or Motion for Summary Judgment, filed on July 18, 2016, be granted by this Hearing Officer, such a proposed hearing schedule would not be necessary as the TMT International Observatory, LLC and/or the University of Hawaii would need to re-file a new and corrected application along with other required submissions. This Honorable Hearing Officer took the matter under advisement after further arguments held on August 12, 2016.

2016. After that, and given the difficulty of witness availability during the holidays as well, counsel would alternatively propose evidentiary hearing days between January 16, 2017 through January 27, 2017 (counsel is not available during the weeks of January 30, 2017 and February 6, 2017).

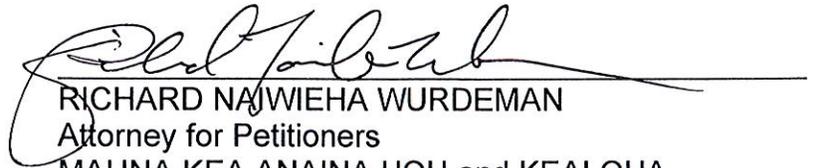
Counsel is attaching a copy of the Minute Order No. 7 from DLNR Docket No. HA-11-05, dated May 27, 2011, solely for the Hearing Officer's reference, if necessary. See Exhibit "A" attached hereto which is a true and correct copy of the said Order. Counsel is also attaching pertinent pages of the transcript from the May 13, 2011 proceedings in which the scheduling and sequence of submissions, was discussed, agreed upon by the parties, and ordered by the Hearing Officer. See Exhibit "B" attached hereto which are true and correct copies of pertinent pages from the Transcript of Proceedings of May 13, 2011. In the attached copies of the transcript of proceedings, please see Douglas Ing, Esq.'s appearance at the hearing on behalf of the other entity TMT Observatory Corporation, which is, as has already established, a separate entity from the party in the instant contested case, TMT International Observatory, LLC (see pages 4, 47 of transcripts where Mr. Lui-Kwan stated that Mr. Ing was just observing "and we will consult with him as well, but he's not a party, TMT is not a party and Mr. Ing is not a party attorney in this matter"). Please recall TMT International Observatory, LLC stating during its motion to be admitted as a party as to how TMT did not have a voice in the earlier process and how the Mauna Kea Anaina Hou Et Al. Petitioners tried to argue that TMT's decision not to intervene was by choice. These pages of the transcripts should help to reiterate that fact. For purposes of scheduling, neither counsel for UH Hilo, nor counsel for the current TMT International

Observatory, LLC, in the first proceedings, had any objections to the earlier proposed scheduling and sequence of submissions, which is similar to what is being proposed herein.

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Respectfully submitted.

DATED: Honolulu, Hawaii, September 8, 2016.



RICHARD NAJWIEHA WURDEMAN  
Attorney for Petitioners  
MAUNA KEA ANAINA HOU and KEALOHA  
PISCIOTTA; CLARENCE KUKAUAKAHI CHING;  
FLORES-CASE OHANA; DEBORAH J. WARD; PAUL  
K. NEVES; and KAHEA: THE ENVIRONMENTAL  
ALLIANCE, a domestic non-profit Corporation

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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

DECLARATION OF COUNSEL

I, RICHARD NAIWIEHA WURDEMAN, do declare as follows:

1. I am an attorney licensed to practice law in the State of Hawaii and I represent the Petitioners MAUNA KEA ANAINA HOU and KEALOHA PISCIOTTA; CLARENCE KUKAUAKAHI CHING; FLORES-CASE OHANA; DEBORAH J. WARD; PAUL K. NEVES; and KAHEA: THE HAWAIIAN ENVIRONMENTAL ALLIANCE, a domestic non-profit Corporation, in the above-entitled matter.

2. I am competent to testify to the matters set forth herein and do so on personal knowledge, unless otherwise indicated.

3. Attached hereto as Exhibit "A" is a true and correct copy of Minute Order No. 7, DLNR Docket No. HA 11-05, dated May 27, 2011.

4. Attached hereto as Exhibit "B" is a true and correct copy of pertinent pages of the Transcript of Proceedings of May 13, 2011, DLNR No. HA-11-05, on the Hearing on Standing on Prehearing.

5. I, RICHARD NAIWIEHA WURDEMAN, do declare under penalty of law do declare that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, September 8, 2016.

  
RICHARD NAIWIEHA WURDEMAN

EXHIBIT "A"

**BOARD OF LAND AND NATURAL RESOURCES**

**STATE OF HAWAII**

In re Petitions requesting a Contested Case ) DLNR Docket No. HA-11-05  
Hearing Re Conservation District Use )  
Permit (CDUP) HA-3568 for the Thirty ) MINUTE ORDER NO. 7  
Meter Telescope at the Mauna Kea Science )  
Reserve, Ka'ohē Mauka, Hamakua District, )  
Island of Hawai'i, TMK (3) 4-4-015:009 )

**MINUTE ORDER NO. 7**

**PRE-HEARING CONFERENCE ORDER**

A prehearing conference was held on May 13, 2011, at the State Office Building, Conference Room C, 75 Aupuni Street, Hilo, Hawaii. Tim Lui Kwan and Ian Sandison represented the University of Hawaii at Hilo (Applicant). Deborah Ward represented herself. Kealoha Pisciotta represented Mauna Kea Anaina Hou. Marti Townsend represented KAHEA. Clarence Kukauakahi Ching represented himself. E. Kalani Flores represented the Flores-Case Ohana. Also present were Julie China, Deputy Attorney General, and Stephen Michael Cain from the Department of Land and Natural Resources (DLNR).

Based on the record, written arguments, and the representations and agreements made at the prehearing conference, it is hereby ordered as follows:

1. The issue to be decided as a result of the contested case hearing is whether applicant's proposed land use is consistent with the criteria set forth in Section 3-5-30(c) of the Hawaii Administrative Rules, for the granting of a Conservation District Use Permit. The additional issues proposed by petitioners in Petitioners' Pre-Hearing Conference Statement dated May 9, 2011, shall also be considered to the extent that

they are relevant and within the jurisdiction of the Board of Land and Natural Resources.

2. The Applicant shall have the burden of proof. The quantum of proof shall be a preponderance of the evidence.

3. The contested case hearing in this proceeding will begin at 9 a.m. on August 15, 2011, and will continue on August 16 through 18, 2011, and August 25, 2011. Additional hearing days may be scheduled if necessary.

4. There will be a site visit on August 11, 2011. Proposals regarding the locations to be visited and the procedure to be followed during the site visit shall be filed by May 27, 2011. Responses to the initial proposals shall be filed and served by June 10, 2011.

5. Applicant shall file its opening brief, witness list, written direct testimony for each witness, exhibit list and exhibits by May 31, 2011.

6. Petitioners shall file their opening briefs, witness lists, written direct testimony for each witness, exhibit lists and exhibits by June 28, 2011.

7. Applicant shall file its reply brief, reply witness list, reply written direct testimony, reply exhibit list and reply exhibits by July 12, 2011.

8. The deadline for motions is July 19, 2011.

9. The deadline for any responses to motions is July 26, 2011.

10. All opposition to exhibits will be filed by July 26, 2011.

11. All parties will file a statement indicating which witnesses they wish to cross examine during the hearing by July 26, 2011.

12. The written direct testimony of each witness shall be admitted into evidence at the hearing as the direct testimony of the witnesses, subject to the witnesses being available for cross examination if requested. Each witness shall be allowed to present a summary of his or her written direct testimony at the beginning of his or her testimony. The summary shall not exceed 10 minutes. Any party wishing to call a witness without submitting written direct testimony shall file a motion requesting permission to do so. The motion shall state the name of the witness, a detailed summary of the subject matter of the witness' proposed testimony and the reasons why oral direct testimony should be allowed in lieu of written direct testimony.

13. Witness lists shall be submitted using the format shown on Attachment 1.

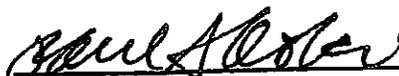
14. All exhibits must be marked and indexed and bound in three-ring binders and tabbed. For the purpose of identification of exhibits, the parties shall use the marking system detailed on Attachment 2. All parties shall submit an exhibit list using the format shown on Attachment 3.

15. Requests for subpoenas shall be filed in accordance with Attachments 4(1) and 4(2) no later than 4 p.m. on August 8, 2011. Upon receipt, a requested subpoena will be signed and returned to the requesting party via facsimile or email with the signed original to follow by mail. The use of a facsimile or email copy of the signed subpoena shall be effective to the same extent as an original signed copy of the subpoena. Parties are responsible for service of all subpoenas and for costs associated therewith.

16. Filing Procedure. An original plus one copy of all briefs, motions, memoranda, lists, exhibits, statements, direct testimony and all other documentation

required to be filed must be received by the DLNR Office of Conservation and Coastal Lands (Room 131, 1151 Punchbowl Street, Honolulu, Hawaii 96813) no later than 4:00 p.m. of the deadline for filing. In addition, a copy shall be sent to the Hearing Officer (Paul Aoki, 1099 Alakea Street, 14<sup>th</sup> Floor, Honolulu, Hawaii 96813), the attorney for the Board of Land and Natural Resources (465 South King Street, Room 300, Honolulu, Hawaii 96813) and to each of the parties. Facsimiles and e-mail do not comply with administrative rules for purposes of filing.

DATED: Honolulu, Hawaii; May 27, 2011.



PAUL S. AOKI  
Hearings Officer

**BOARD OF LAND AND NATURAL RESOURCES**

**STATE OF HAWAII**

In re Petition requesting a Contested Case  
Hearing Re Conservation District Use  
Permit (CDUP) HA-3568 for the Thirty  
Meter Telescope at the Mauna Kea Science  
Reserve, Kaohe Mauka, Hamakua, Hawaii,  
TMK (3) 4-4-015:009

DLNR File No. HA-11-05

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that 1) OCCL's staff report to the BLNR on the Mo'oinanea request for a contested case, dated June 23, 2011; and 2) the notice of the BLNR's decision on the Mo'oinanea petition for a contested case, dated June 28, 2011; were served upon the following parties as indicated, by means of U.S. Mail, postage prepaid on June 28, 2011, addressed as follows:

**Paul Aoki**  
Ashford & Wriston  
1099 Alakae Street, #1400  
Honolulu, HI 96813

**Julie China, Deputy Attorney General**  
Land and Transportation Division  
Kekuanao'a Building  
465 South King Street, Third Floor  
Honolulu, HI 96813

**Ian Sandison**  
**Tim Lui Kwon**  
Carlsmith Ball LLP  
ASB Tower, Suite 2200  
Honolulu, HI 96813

**Flores-Case 'Ohana**  
E. Kalani Flores  
PO Box 6918  
Kamuela, HI 96743

**Deborah Ward**  
PO Box 918  
Kurtistown, HI 96760

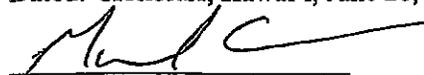
**Paul K. Neves**  
380 Nahale-a Avenue  
Hilo, HI 96720

**KAHEA Environmental Alliance**  
Marti Townsend  
1149 Bethel Street #415  
Honolulu, HI 96813

**Clarence Kukauakahi Ching**  
64-823 Mamalahoa Hwy  
Kamuela, HI 96743

**Mauna Kea Anaina Hou**  
Kealoha Pisciotta  
PO Box 5864  
Hilo HI 96720

Dated: Honolulu, Hawai'i, June 28, 2011



Michael Cain  
Department of Land & Natural Resources  
State of Hawai'i

EXHIBIT "B"

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BOARD OF NATURAL RESOURCES

STATE OF HAWAII

In Re Petitions requesting ) DLNR NO. HA-11-05  
 a Contested Case Hearing Re )  
 Conservation District Use )  
 Perit (CDUP) HA-3568 for the )  
 Thirty Meter Telescope at the )  
 Mauna Kea District, Island of )  
 Hawaii, TMK (3) 4-4-015:009 )  
 ----- )

HEARING ON STANDING AND PREHEARING

Taken on May 13, 2011, at the State Building, 75  
 Aupuni Street, Conference Room C, Hilo, Hawaii,  
 commencing at 9:00 a.m. before Hearings Officer Aoki.

BEFORE: Jean Marie McManus, CSR #156

## 1 APPEARANCES:

2 HEARINGS OFFICER  
3 PAUL AOKI, ESQ.  
4 Ashford & Wriston  
1099 Alakea Street, Suite 1400  
Honolulu, Hawaii 96813

5 DEPUTY ATTORNEY GENERAL  
6 JULIE CHINA, ESQ.  
465 S. King Street, Room 300  
Honolulu, Hawaii 96813

7 CUSTODIAN OF RECORDS  
8 MICHAEL CAIN  
Office of Conservation and Coastal Lands

9  
10 TIM LUI-KWAN, ESQ.  
IAN SANDISON, ESQ.  
Carlsmith Ball, LLP  
11 ASB Tower, Suite 2200  
12 1001 Bishop Street  
Honolulu, Hawaii 96813

13 Attorney for Applicant

## 14 PETITIONERS:

15 E. KALANI FLORES  
16 P.O. Box 6918  
Kamuela, HI 96743

17 DEBORAH WARD  
18 P.O. BOX 918  
Kurtistown, HI 96760

19 MARTI TOWNSEND  
20 1149 Bethel Street, #415  
Honolulu, Hawaii 96813

21 CLARENCE KUKAUAKAHI CHING  
22 64-823 Mamalao Highway  
Kamuela, HI 96743

23 KEALOHA PISCIOTTA  
24 P.O. Box 5864  
Hilo, HI 96720

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1                   HEARINGS OFFICER AOKI: The first thing on  
2 the record is the standing.

3                   MR. LUI-KWAN: Would you like us to do an  
4 appearance?

5                   HEARINGS OFFICER AOKI: Good idea. For  
6 everybody's benefit, this is my first hearing, so I  
7 may not be -- it may take me awhile to figure out the  
8 procedure.

9                   MS. PISCIOTTA: I have a logistical  
10 question on Order No. 4.

11                   HEARINGS OFFICER AOKI: Go ahead.

12                   MR. LUI-KWAN: Why don't we get to their  
13 logistical questions after appearance, just so we  
14 know which parties are here?

15                   HEARINGS OFFICER AOKI: Good idea.

16                   So would the parties please put their  
17 appearances on the record.

18                   MR. LUI-KWAN: Tim Lui-Kwan, attorney for  
19 Applicant University of Hawaii, and with me is my  
20 co-counsel, Ian Sandison.

21                   MR. ING: Douglas Ing. I'm not here on  
22 behalf of a party, but I'm appearing on behalf of the  
23 TMT Observatory Corporation.

24                   MS. WARD: My name is Deborah Ward. I'm  
25 appearing on my own behalf.

1           Mr. Flores agrees to withdraw his two  
2 children as parties, correct?

3           MR. FLORES: Yes, as representatives, they  
4 come under association.

5           HEARINGS OFFICER AOKI: They could be part  
6 of your association, not as individual parties.

7           MR. FLORES: Yes, agreed.

8           HEARINGS OFFICER AOKI: As to everybody  
9 else, it's agreed that everybody else should have  
10 standing.

11          MS. TOWNSEND: I have one clarifying  
12 question. I don't understand.

13           So for the applicant, University of Hawaii  
14 is the applicant, and so I don't understand with Mr.  
15 Ing here representing TMT, would he also be asking  
16 questions, for example, is -- I don't understand.

17          MR. LUI-KWAN: He will not be participating  
18 aside from being here.

19          MS. TOWNSEND: He's just observing?

20          MR. LUI-KWAN: Yes, and we will consult  
21 with him as well, but he's not a party, TMT is not a  
22 party and Mr. Ing is not a party attorney in this  
23 matter.

24          HEARINGS OFFICER AOKI: Just part of the  
25 public.

1 MS. TOWNSEND: The basis of my question is  
2 because there are some issues that we think might be  
3 beyond the scope and might be part of discussion for  
4 after the break, but maybe TMT should be represented  
5 in this hearing. I'm not sure at what point do we  
6 raise that question?

7 HEARINGS OFFICER AOKI: After the break.

8 Just before we go off the record, we should  
9 make the two documents that were provided by Mr.  
10 Flores part of the record. So I'm going to designate  
11 the letter as Exhibit 1, and the affidavit as  
12 Exhibit 2. Now, we are on break.

13 (Hearing Exhibits 1 and 2 were marked for  
14 identification and are not attached hereto.)

15 (Recess taken:)

16 We're back on. The hearing is reconvened.

17 Are we ready to move to the prehearing  
18 conference? Does anybody have any other stuff?

19 One thing, we're going to be on the record  
20 until we get to discussion about timing, and then we  
21 will go off record, and then after we finish that,  
22 we'll put the results on the record.

23 So at this point I thought we could have  
24 some discussion regarding what the issues are going  
25 to be.

1 take suggestions.

2 MR. LUI-KWAN: You can check with upstairs,  
3 actually see what it looks like on reservations. So  
4 do that during the break in terms of maybe blocking  
5 the time here. They often schedule these rooms like  
6 months in advance. See if you can get all three, if  
7 possible.

8 MR. CAIN: All three opened up?

9 MR. LUI-KWAN: Sure, as a backup.

10 HEARINGS OFFICER AOKI: I would like to set  
11 a time frame for the input regarding what should take  
12 place during the site visit. Is there any other  
13 locations that anybody thinks we need to see and what  
14 type of markers you want? How about providing that  
15 input within two weeks. And then you guys get two  
16 weeks after that to respond.

17 MR. SANDISON: Two weeks from today?

18 HEARINGS OFFICER AOKI: The suggestion is  
19 two weeks and then two weeks from receipt to your  
20 response.

21 MS. CHINA: May 27 and June 10th.

22 HEARINGS OFFICER AOKI: Let's go with the  
23 filing dates. How soon can you submit your opening  
24 brief, witness list, witness statements, exhibit  
25 list?

1 MR. LUI-KWAN: May 31st.

2 HEARINGS OFFICER AOKI: Assuming the  
3 hearing is going to start on the 15th.

4 MR. LUI-KWAN: We believe we can have the  
5 opening brief by May 31st, exhibit list, witness  
6 statement, witness list.

7 HEARINGS OFFICER AOKI: Marti had said two  
8 weeks, right?

9 MS. TOWNSEND: We would like one month to  
10 file our opening brief and then the filing deadlines  
11 set two weeks.

12 HEARINGS OFFICER AOKI: After?

13 MS. TOWNSEND: Yeah, like responses and  
14 things like that, two weeks.

15 MS. CHINA: So they're filing on May 31st,  
16 so you want one month after that?

17 MS. TOWNSEND: Yeah.

18 MS. CHINA: So that's June 28th.

19 HEARINGS OFFICER AOKI: So petitioners'  
20 briefs, witness list, witness statements, exhibits  
21 and exhibit list will be June 28th and --

22 MS. TOWNSEND: This includes the written  
23 direct?

24 HEARINGS OFFICER AOKI: Yes. Replies, two  
25 weeks, enough time?

1 MR. LUI-KWAN: Yes.

2 MS. CHINA: July 12th is two weeks after  
3 that.

4 MR. CAIN: 26 of July, 2nd week.

5 HEARINGS OFFICER AOKI: Two weeks after  
6 that for the subpoenas.

7 MR. SANDISON: Where are we at, July 12?

8 HEARINGS OFFICER AOKI: Yeah, so two weeks  
9 after July 12th.

10 MS. TOWNSEND: July 12th is when we file  
11 their response to our brief -- they would have their  
12 response to our brief.

13 MS. CHINA: They file to yours and you file  
14 to theirs.

15 MS. TOWNSEND: And we file response to  
16 their --

17 MS. CHINA: Rebuttal.

18 MR. LUI-KWAN: We're both going to be  
19 submitting responsive briefs to each other.

20 HEARINGS OFFICER AOKI: July 12th.

21 MS. TOWNSEND: And subpoenas on July 26th?

22 MR. LUI-KWAN: You may want to put a day  
23 also for, as we indicated in our schedule, where the  
24 parties should be indicating whether -- and which of  
25 the opposition witnesses they wish to cross-examine

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STATE OF HAWAII )  
 ) SS.  
COUNTY OF HONOLULU )

I, JEAN MARIE McMANUS, Notary Public, State of Hawaii, do hereby certify:

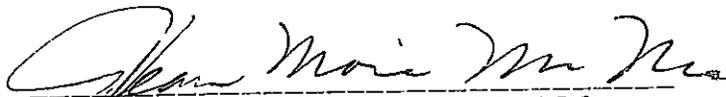
That on May 13, 2011 at 9:00 a.m., the proceedings contained herein was taken in computerized machine shorthand and was thereafter reduced to print; that the foregoing represents, to the best of my ability, a true and correct copy of the proceedings had in the foregoing matter.

That pursuant to Rule 30(e)if signature was requested by the witness or by counsel, the witness was notified through counsel, by mail, or by telephone to appear and sign; that if the deposition is not signed, either the reading and signing were waived, the witness has failed to appear, or a request to review and sign was not made before the conclusion of the deposition, and the original has been sealed unsigned;

That pursuant to HRCF 30(f)(1) the original will be forwarded to noticing counsel for retention.

I further certify that I am not of counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in this caption.

Dated this 13th day of May, 2011, in Honolulu, Hawaii.



JEAN MARIE MCMANUS, CSR 156  
Notary Public, State of Hawaii  
My commission expires: 4/28/2012

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 )  
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TMK (3) 4-4-015:009 )  
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CERTIFICATE OF SERVICE

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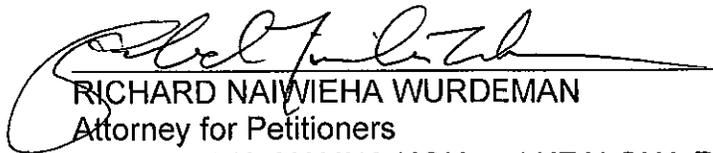
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