

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF ) Case No. BLNR-CC-16-002  
)  
A Contested Case Hearing Re Conservation ) MINUTE ORDER NO. 2;  
District Use Permit (CDUP) HA-3568 for the )  
Thirty Meter Telescope at the Mauna Kea ) CERTIFICATE OF SERVICE  
Science Reserve, Kaohe Mauka, Hamakua )  
District, Island of Hawaii, TMK (3) 4-4- )  
015:009 )  
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**MINUTE ORDER NO. 2**

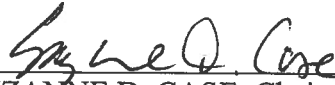
On December 2, 2015, the Supreme Court issued its decision in *Mauna Kea Anaina Hou v. Board of Land and Natural Resources*, 136 Hawai'i 376, 363 P.3d 224 (2015). The Court vacated the circuit court's May 5, 2014 Decision and Order Affirming Board of Land and Natural Resources, State of Hawaii's Findings of Fact, Conclusions of Law and Decision and Order Granting Conservation District Use Permit for the Thirty Meter Telescope at the Mauna Kea Science Reserve Dated April 12, 2013, and final judgment thereon. The Court "remanded [the matter] to the circuit court to further remand to BLNR for proceedings consistent with this opinion, so that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with this opinion."

On February 22, 2016, the circuit court issued its remand order in which it also "remand[ed] this matter to the Board of Land and Natural Resources so that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with the Opinion."

The Board of Land and Natural Resources met on February 26, 2016, as part of and to discharge its adjudicatory function governed by Haw. Rev. Stat. § 91-9. The Board noted that it previously authorized a contested case and delegation to a hearing officer and that the matter has been remanded "so that a contested case hearing can be conducted before the Board or a new hearing officer." After full discussion of the issue, the Board delegated the conduct of the contested case hearing to a hearing officer, pursuant to HAR § 13-1-32(b), and confirmed that the chairperson was authorized to engage the services of a hearing officer pursuant to law.

This order may be executed in counterparts.

DATED: Honolulu, Hawai'i, April 8, 2016



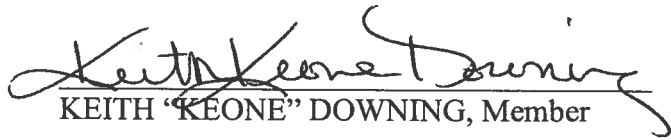
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SUZANNE D. CASE, Chairperson  
Board of Land and Natural Resources



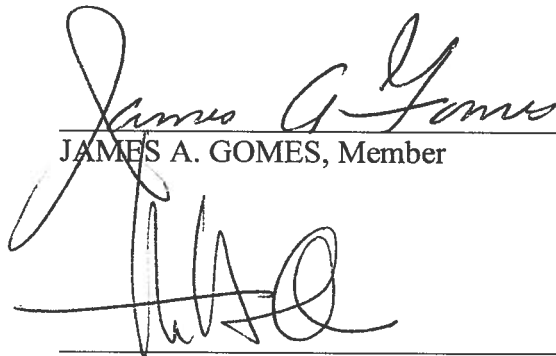
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STANLEY H. ROHRIG, Member



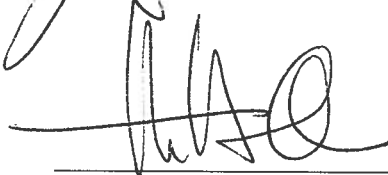
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KEITH "KEONE" DOWNING, Member



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JAMES A. GOMES, Member



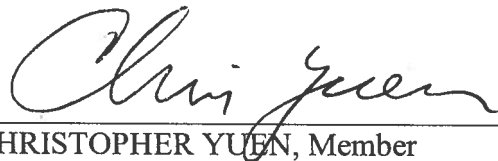
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THOMAS OI, Member



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ULALIA WOODSIDE, Member



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CHRISTOPHER YUEN, Member

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the following documents:

1. Minute Order No. 2, Dated April 8, 2016

Was duly served upon the following parties, by means of State Messenger or U.S. Mail, postage prepaid, on April 8, 2016, at addresses below:

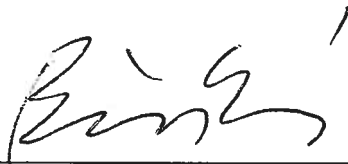
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FLORES-CASE 'OHANA; DEBORAH J. WARD; PAUL K. NEVES; AND KAHEA: THE  
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ATTORNEYS FOR THE UNIVERSITY OF HAWAI'I AT HILO

DATED: Honolulu, Hawaii, April 8, 2016



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**BIN C. LI**  
**Administrative Proceedings Coordinator**  
**Department of Land and Natural Resources**