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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 HAWAIIAN 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' OBJECTIONS
A Contested Case Hearing Re	) TO SELECTION PROCESS AND
Conservation District Use Permit (CDUP)	) TO APPOINTMENT OF
HA-3568 for the Thirty Meter Telescope	) HEARING OFFICER MADE
at the Mauna Kea Science Reserve,	) PURSUANT TO MINUTE ORDER
Kaohe Mauka, Hamakua District, Island	) NO. 1, DATED MARCH 31, 2016;
of Hawaii, TMK (3) 4-4-015:009	) DECLARATION OF COUNSEL;
	) EXHIBITS "A" – "G"; and
	) CERTIFICATE OF SERVICE
	)
	)
	)

PETITIONERS' OBJECTIONS TO SELECTION PROCESS AND TO
APPOINTMENT OF HEARING OFFICER MADE PURSUANT TO MINUTE
ORDER NO.1, DATED MARCH 31, 2016

COMES 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 as “Mauna Kea Anaina Hou Petitioners”), by and through their counsel undersigned, and hereby respectfully submit their objections to the selection process and to the appointment of the Hearing Officer made Pursuant to Minute Order No. 1, dated March 31, 2016.¹

On December 2, 2015, the Supreme Court of the State of Hawai‘i 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, for the foregoing reasons in its decision, vacated the Circuit Court of the Third Circuit’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, and remanded the matter to the Circuit Court to further remand to the BLNR for proceedings consistent with the Supreme Court’s Opinion, so that a contested case hearing could be conducted before the Board or a new hearing officer, or for other proceedings consistent with this opinion. 363 P.3d at 247. On February 22, 2016, the Circuit Court of the Third Circuit issued its Order for Remand in which the court ordered that,

[p]ursuant to the opinion of the Supreme court of the State of Hawai‘i entered on December 2, 2015 (the “Opinion”), and the related Judgment on Appeal entered on December 29, 2015, this Court hereby vacates the *Board of Land and Natural Resources Findings of Fact, Conclusions of Law and Decision and Order*, dated April 12, 2013, DLNR Docket No. HA-11-05 and vacates the issuance of the Conservation District Use Permit, and remands this matter to the Board of Land and Natural Resources so

¹ The filing of the instant objections is done without waiving any positions and objections as to hearing requirements and the overall selection process or that the application is not in compliance with law and other related issues.

that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with the Opinion.

Prior to the Third Circuit Court's Order of Remand to the Board of Land and Natural Resources, dated February 22, 2016, and apparently without any authorization by the Board, the Department of Land and Natural Resources published a Notice to Attorneys Interested in Providing Legal Services to the Department of Land and Natural Resources as a Hearing Officer in the Thirty Meter Telescope CDUP Permit Contested Case (Pursuant to § 103D-304, HRS). Please see a copy of said announcement attached hereto as Exhibit "A." The first publication of the said notice in the Honolulu Star-Advertiser occurred on or about January 29, 2016.

The next "notice" of any kind that was generated, of which the Petitioners were made aware, was Minute Order No. 1, dated March 31, 2016, in the above-entitled matter. According to Minute Order No. 1, BLNR Chairperson Suzanne D. Case provided notice that Riki May Amano, Judge (ret.) had been selected as the Hearing Officer for the contested case, pursuant to § 13-1-32, Hawaii Administrative Rules and § 103D-304, Hawaii Revised Statutes. Chair Case notified the parties that any comments on and objections to the appointment shall be filed no later than April 15, 2016. Attached as Exhibit 1 to Minute Order No. 1 was Judge (ret.) Riki May Amano's "full disclosure, to the best of [her] knowledge,...possible conflicts of interests relative to persons and entities involved in the contested case hearing application [named in some undisclosed letter dated March 21, 2016]." Please see attached hereto as Exhibit "B" a true

and correct copy of Minute Order No. 1 with the said Exhibit 1 that was served on Petitioner's counsel.

Following the Petitioners' receipt of Minute Order No. 1 and after counsel for Petitioners raised with counsel for the BLNR objections to the selection process as being in violation of Sunshine Law, as well as other issues, and also issues involving the procurement process that was apparently followed in this matter, information about which that was discovered solely on what Petitioners learned through BLNR press releases to the media with no specifics being told directly to the Petitioners as parties, Minute Order No. 2, dated April 8, 2016, was then issued by the BLNR, seemingly in response to Petitioners' counsel's objections that were raised with BLNR's counsel. Please see attached hereto as Exhibit "C," a true and correct copy of Minute Order No. 2 that was served on Petitioners' counsel. According to Minute Order No. 2, dated April 8, 2016, the BLNR found, in pertinent part, as follows:

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.

No notice of any kind was provided to the Petitioners of the February 26, 2016 meeting. Petitioners are unaware of proper notice, pursuant to statute and rule, ever being provided by the Board of the February 26, 2016 meeting regarding a public hearing, either. In fact, a public hearing was not held and it

appears that the Board seemingly believed the meeting to be adjudicatory in nature and purportedly an exception to a public hearing requirement, as set forth under H.R.S. § 92-6(a)(2).

Also, sent to the Petitioners, was a Notice of Filing of Hearing Officer's Supplemental Disclosure, dated April 8, 2016, with Exhibit 2 attached thereto, in which a supplemental disclosure was made of a pending mediation in which the Hearing Officer was involved. Please see attached hereto as Exhibit "D," a true and correct copy of the Notice of Filing of Hearing Officer's Supplemental Disclosure, dated April 8, 2016, along with Exhibit 2 attached thereto, that was sent to the Petitioner's counsel.

Document and records requests under the Uniform Information Practices Act, Chapter 92F of the Hawaii Revised Statutes, were sent to the Chair of the BLNR and sent c/o BLNR counsel, in writing, dated April 1, 2016, with a supplemental letter to the Chair, dated April 4, 2016, requesting that such documents, records and information be provided by April 11, 2015. Please see Exhibit "E" attached hereto, which are true and correct copies of the said April 1st and April 4th written requests. To date, and despite follow up requests to counsel for the BLNR, emphasizing the Petitioners' need for the information prior to the April 15, 2016 deadline for the filing of objections as part of the objections to be made regarding the process, the BLNR Chair and counsel for the BLNR have not produced the records, documents and information requested to date, nor have

they indicated when such documents and records requested will be produced, if at all.²

Document and records requests were also made pursuant to the procurement administrative rules.

A. Objections to the Process

As was just discussed by the Hawaii Supreme Court in its decision of December 2, 2015, in this instant matter, in Mauna Kea Anaina Hou v. Board of Land and Natural Resources, 136 Hawai'i 376, 363 P.3d 224 (2015), the basic elements of procedural due process are notice and an opportunity to be heard at a meaningful time and in a meaningful manner. 363 P.3d at 228, 237 *citing* Sandy Beach Def. Fund v. City and County of Honolulu, 70 Haw. 361, 378, 773 P.2d 250, 261 (1989). A "fair trial in a fair tribunal is a basic requirement of due process." 363 P.3d at 228 *quoting* Sifagaloa v. Bd. of Trs. of Emps.' Ret. Sys., 74 Haw. 181, 189, 840 P.2d 367, 371 (1992)(*quoting* In re Murchison, 349 U.S. 133, 136, 75 S.Ct. 623, 99 L.Ed. 942 (1955)). Fundamentally, in the justice system, "justice can perform its high function in the best way only if it satisfies the appearance of justice." 363 P.3d at 237 *quoting* Sifagaloa 74 Haw. at 189, 840 P.2d at 371 (*quoting* Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954))(emphasis added). The manner in which the justice system operated must be fair and must also appear to be fair. 363 P.3d at 237 *citing* Sifagaloa 74 Haw. at 190, 840 P.2d at 371 ("[J]ustice must not only be done but must manifestly be seen to be done[.]"). Indeed, this "stringent rule may

² Petitioners reserve the right to raise additional objections and challenges once the requested documents and records are produced as required under H.R.S. Chapter 92F and other authorities.

sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.” 363 P.3d at 237 *quoting* Murchison, 349 U.S. at 136, 75 S.Ct. 623.

In the instant case, the procurement process was first of all commenced in or about January of 2016 through the posting of notice and otherwise before there was any authority by the BLNR to start the process. The Board, admittedly, in Minute Order No. 2 did not allegedly delegate the conduct of the contested case to a hearing officer until its “meeting” of February 26, 2016 and the Board did not authorize the Chair until that point to engage the services of a hearing officer. As a result, the notice that was published in January of 2016 for a hearing officer and any actions thereafter were done without authorization by the Board and were invalid.

Next, and contrary to the references made in Minute Order No. 2, what was decided at the February 26, 2016 “meeting” was not adjudicatory in nature and should have been subject to a public hearing. H.R.S. Section 92-3 provides, in pertinent part: “[e]very meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the constitution or as closed pursuant to sections 92-4 and 92-5...” H.R.S. Section 92-1 sets forth the policy and intent of Chapter 92 of the H.R.S. and provides, in pertinent part, as follows: “(1) It is the intent of this part to protect the people’s right to know; (2) [t]he provisions requiring open meetings shall be liberally construed; and (3) [t]he provisions providing for exceptions to the open

meeting requirements shall be strictly construed against closed meetings.”
(Emphasis added).

While H.R.S. Section 92-6(a)(2) provides an exception to H.R.S. Chapter 92 requirements for adjudicatory functions exercised by a board and when governed by H.R.S. sections 91-8 and 91-9, the delegation of the conduct of a contested case hearing by a hearing officer by the Board and the authorization of the Chair by the Board to select a hearing officer, is a preliminary procedural matter before the actual adjudication of facts and issues involved in the contested case hearing commences and is not “adjudicatory” in nature. Note, once again, the strict construction against closed meetings set forth in H.R.S. Section 92-1 above. “Adjudicatory process” is defined in Black’s Law Dictionary as “[m]ethod of adjudicating factual disputes; used generally in reference to administrative proceedings in contrast to judicial proceedings.” Black’s Law Dictionary, Fifth Edition (1979)(Emphasis added). “Adjudicatory hearing” is defined as “[a] proceeding before an administrative agency in which the rights and duties of particular persons are adjudicated after notice and opportunity to be heard.” *Id.* (Emphasis added).

In addition, the Chapter 91-9 requirement to which H.R.S. Section 92-6(a)(2) becomes applicable requires notice, under H.R.S. Section 91-9, to commence the contested case hearing process. No notice as required under Section 91-9 was ever given. So, even assuming, *arguendo*, that the February 26, 2016 “meeting” was adjudicatory in nature, notice was not first provided to the Petitioners and they were deprived of notice and their opportunity to be heard

at the February 26, 2016 “meeting,” as required under H.R.S. Section 91-9. Under either construction, i.e. a public meeting or an adjudicatory meeting, the Petitioners respectfully submit that the law was not followed by the Board and they respectfully object. The Petitioner’s submit that the remedy is to start the process all over once again with the proper procedures and law being followed.

B. The Hearing Officer

As was discussed above, fundamentally, in the justice system, “justice can perform its high function in the best way only if it satisfies the appearance of justice.” 363 P.3d at 237 *quoting* Sifagaloa 74 Haw. at 189, 840 P.2d at 371 (*quoting* Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 99 L.Ed. 11 (1954))(emphasis added). The manner in which the justice system operated must be fair and must also appear to be fair. 363 P.3d at 237 *citing* Sifagaloa 74 Haw. at 190, 840 P.2d at 371 (“[J]ustice must not only be done but must manifestly be seen to be done[.]”). Indeed, this “stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.” 363 P.3d at 237 *quoting* Murchison, 349 U.S. at 136, 75 S.Ct. 623.

“[T]here are certain fundamentals of just procedure which are the same for every type of tribunal and every type of proceeding.” Sussell v. City and County of Honolulu Civil Service Commission, 71 Haw. 101, 107, 784 P.2d 867, 870 (1989) *quoting* R. Pound, *Administrative Law* 75 (1942). “Concededly, a ‘fair trial in a fair tribunal is a basic requirement of due process.’ 71 Haw. at 107, 784 P.2d at 870 *quoting* In re Murchison, 349 U.S. 133, 136 [, 75 S.Ct. 623, 625, 99

L.Ed. 942] (1955). This applies to administrative agencies which adjudicate as well as to courts. Gibson v. Berryhill, 411 U.S. 564, 579 [, 93 S.Ct. 1689, 1698, 36 L.Ed.2d 488] (1973).” Sussell, supra, citing Withrow v. Larkin, 421 U.S. 35, 46–47 [, 95 S.Ct. 1456, 1463–64, 43 L.Ed.2d 712] (1975). Of course, “a biased decisionmaker [is] constitutionally unacceptable [.]” Id.at 47 [, 95 S.Ct. at 1464]. But “no one would argue seriously that the disqualification of [decision-makers] on grounds of actual bias ... prevents unfairness in all cases.” State v. Brown, 70 Haw. 459, 467, 776 P.2d 1182, 1187 (1989). So “our system of [justice] has always endeavored to prevent even the probability of unfairness.” In re Murchison, supra.

The Supreme Court teaches us too that justice can “perform its high function in the best way [only if it satisfies] ‘the appearance of justice.’ Offutt v. United States, 348 U.S. 11, 14 [, 75 S.Ct. 11, 13].” Sussell, supra quoting In re Murchison, supra. For in a popular government, “ ‘justice must not only be done but must manifestly be seen to be done....’ Rex v. Justices of Bodmin, [1947] 1 K.B. 321, 325.” Sussell, supra, quoting Joint Anti-Fascist Refugee Commv. McGrath, 341 U.S. 123, 172 n.19. 71 S.Ct 624, 649 n. 19, 95 L.Ed. 817 (frankfurter, J., concurring)(1951). And, “[t]here can be little question that use of a truly independent adjudicator is essential to attainment of this goal. Sussell, supra. Indeed, if there exists any reasonable doubt about the adjudicator's impartiality at the outset of a case, provision of the most elaborate procedural safeguards will not avail to create [an] appearance of justice.” M. Redish & L. Marshall, *Adjudicatory Independence and the Values of Procedural Due*

Process, 95 Yale L.J. 455, 483–84 (1986). Our Code of Judicial Conduct and a recent opinion of this court reflect these teachings.

An issue in *State v. Brown* was “whether a judge who causes a criminal contempt proceeding to be instituted may then sit with impunity in judgment of the accused.” 70 Haw. at 465, 776 P.2d at 1187. The Hawaii Supreme Court ruled the judge could not do so, relying in part on *Tumey v. Ohio*, 273 U.S. 510, 532, 47 S.Ct. 437, 444, 71 L.Ed. 749 (1927), where the Court said: “Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law.” The Court’s ruling, it was noted, was “consistent with our general admonition [to judges] that ‘A Judge Should Avoid Impropriety and the Appearance of Impropriety in all his Activities,’ Code of Judicial Conduct, Canon 2, and our expectation that [a judge would] ‘disqualify himself in a proceeding in which his impartiality might REASONABLY be questioned[.]’ Code of Judicial Conduct, Canon 3 C.(1).” *State v. Brown*, 70 Haw. at 467 n.3, 776 P.2d at 1188 n.3.

Since the fundamentals of just procedure impose a requirement of impartiality on “administrative agencies which adjudicate as well as [on] courts[.]”. *Withrow v. Larkin*, 421 U.S. at 46, 95 S.Ct. at 1463, the Court found no reason why an administrative adjudicator should be allowed to sit with impunity in a case where the circumstances fairly give rise to an appearance of impropriety and reasonably cast suspicion on his impartiality. *Sussell*, *supra*.

In the instant case, Judge (ret.) Riki May Amano (along with her husband) has been a dues paying member of the 'Imiloa Astronomy Center of Hawaii for a few years if not longer. See Exhibit "F" attached hereto which is a true and correct copy of information printed from the ImiloaHawaii.org web page. According to the 'Imiloa Astronomy Center webpage, the 'Imiloa Astronomy Center of Hawaii is part of the University of Hawaii at Hilo and its exhibition and planetarium complex is located on nine acres in the University of Hawaii's Science and Technology Park, above the UH-Hilo campus. The University of Hawaii at Hilo is a party to the instant contested case and is the applicant for a CDUP under HA-3568 in this matter. Judge Amano is and/or has been a dues paying member of this astronomy center that is part of UH-Hilo. The purpose of the CDUP, which is the subject of the instant contested case, is to develop, construct and operate the TMT Observatory on Mauna Kea. The only membership lists that appear to be included on the ImiloaHawaii.org webpage in its Kilolani newsletter and found by Petitioners are membership lists that were processed between May 1-22, 2012; May 30-June 28, 2013; and April 30-May 28, 2014; and lists Judge Amano and her husband as renewed family members. Please see Exhibit "G" attached hereto which is a true and correct copy of the said membership lists. Also, according to the web page, the dues for family members are \$85 per year. Based on the processing date, it appears that the 2014 membership renewal would probably take the membership through in or about May of 2015. No more recent membership lists could be located on the 'Imiloa webpage, but that does not necessarily mean that Judge Amano is not

still a member of 'Imiloa, after possible and probable subsequent renewals. The recent memberships, in any event, include time periods during the litigation of the parties since 2011, and the Petitioners would respectfully submit, of membership with and connection to a party in the instant case, UH Hilo, and interest and support for astronomy efforts in which the University of Hilo is involved.

Furthermore, and according to the Final Environmental Impact Statement, dated May 8, 2010, for the Thirty Meter Telescope Project, submitted in this matter by the University of Hawaii at Hilo, some of the project's proposed mitigation measures include: (1) "The Project will work with OMKM and 'Imiloa to develop exhibits that reflect the nationally-recognized natural resources of the MKSR, which is within the Mauna Kea NNL. These exhibits will be utilized by the VIS and 'Imiloa, as appropriate." (see p. 3-113); (2) "Educational initiatives will focus on K-5, 6-8, 9-12, and college. The program could include support for students to visit 'Imiloa, TMT and other observatories." (see p. 3-137); (3) Additional Mitigation Measures—"support of, and active participation in, on-going efforts to strengthen...'Imiloa Astronomy Center of Hawaii." (see p. 3-139); and (4) "Prior to completion of the HRS Chapter EIS process the project has been involved in a number of outreach activities. Activities have included contributing over \$100,000 to the following: ...(included) 'Imiloa outreach activities..." (see p. 3-139).

Finally, TMT Observatory Corporation has been listed as a corporate member of 'Imiloa, on its web page, as well.

The Petitioners respectfully object to the appointment of Judge (ret.) Riki May Amano to serve in the instant matter. At a minimum, and under a probability of unfairness or appearance of impropriety standard as discussed in the authorities above, if not on actual bias, and based on the circumstances of the instant case, the Petitioners respectfully submit that Judge Amano should be disqualified to serve as a Hearing Officer for this particular case.

Also, as was discussed in the case of Noel Madamba Contracting LLC v. Romero, 137 Hawai'i 1, 364 P.3d 518 (2015), was the failure of an arbitrator, in that case, to disclose facts that a reasonable person would consider likely to affect the impartiality of the arbitrator in the arbitration proceeding. The Court found that the failure to disclose resulted in evident partiality and vacated the arbitration award in that case. While the instant case is not dealing with an arbitrator, but rather a hearing officer, given the importance of the instant case and the responsibility of the Hearing Officer in these proceedings, and given the extensive and comprehensive disclosures that were provided by Judge (ret.) Amano in her March 31, 2016 disclosure and then supplemented by Judge (ret.) Amano in the supplemental disclosure, attached to the Notice of Filing of Hearing Officer's Supplemental Disclosure, dated April 8, 2016, (see Exhibits "B" and "D" attached hereto) and her failure to disclose her 'Imiloa Astronomy Center membership, especially in light of the extensive disclosures that she had made,

the Petitioners submit that evident partiality similarly and through analogy exists and disqualification should be made.

Respectfully submitted.

DATED: Honolulu, Hawaii, April 15, 2016.

A handwritten signature in black ink, appearing to read "Richard Naimieha Wurdehan", is written over a horizontal line. The signature is fluid and cursive, with a large initial "R" and "W".

RICHARD NAIMIEHA 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
HAWAIIAN 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 in the State of Hawaii and I represent the Petitioners MAUNA KEA ANAINA HOU and KEALOHA PISCIOтта; 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 a Notice to Attorneys Interested in Providing Legal Services to the Department of Land and Natural Resources as a Hearing Officer in the Thirty Meter Telescope CDUP Permit contested Case (Pursuant to §103-304, HRS) that apparently was printed in the Honolulu Star-Advertiser on or about January 29, 2016.

4. Attached hereto as Exhibit "B" is a true and correct copy of the Minute Order No. 1, along with Exhibit 1 attached thereto, in the above-entitled matter, dated March 31, 2016 that was served on Petitioner's counsel.

5. Attached hereto as Exhibit "C" is a true and correct copy of the Minute Order No. 2, in the above-entitled matter, dated April 8, 2016, that was served on Petitioner's counsel.

6. Attached hereto as Exhibit "D" is a true and correct copy of the Notice of Filing of Hearing Officer's Supplemental Disclosure, dated April 8, 2016, along with Exhibit 2 attached thereto, in the above-entitled matter, that was served on Petitioner's counsel.

7. Attached hereto as Exhibit "E" is a true and correct copy of the April 1, 2016 written requests, along with enclosures thereto, and a true and correct copy of the April 4, 2016 letter requesting the BLNR Chair to provide all requested information by April 11, 2016.

8. Attached hereto as Exhibit "F" is a true and correct copy of an informational page from the imiloahawaii.org web page.

9. Attached hereto as Exhibit "G" is a true and correct copy of Imiloa membership lists that were included in the Kilolani newsletters on the imiloahawaii.org web page and indicate processing dates between, May 1-22, 2012, May 30-June 28, 2013, and April 30-May 28, 2014. Counsel was unable to locate membership lists processed in 2015 or 2016 on the web page. The cost of \$85 was listed as the amount for family memberships on the web page.

10. I, Richard Naiwieha Wurdeman, do declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, April 15, 2016.



RICHARD NAIWIEHA WURDEMAN

EXHIBIT "A"

Notices

521-9111

DAY 521.9111

**NOTICE TO ATTORNEYS INTERESTED IN
PROVIDING LEGAL SERVICES TO THE
DEPARTMENT OF LAND AND NATURAL RESOURCES
AS A HEARING OFFICER IN THE
THIRTY METER TELESCOPE CDUP PERMIT CONTESTED CASE
(Pursuant to §103D-304, HRS)**

In anticipation of the need for the Board of Land and Natural Resources to hold a contested-case hearing on In Re Petitions Requesting a Contested Case Hearing Re Conservation District Use Permit (CDUP) for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Kahohe Mauka, Mamakua District, Island of Hawai'i, TMK (3) 4-4-015:009, the Department of Land and Natural Resources now seeks qualified applicants to provide professional legal services as a hearing officer in this potential case which is pending a remand to the Board by the Third Circuit Court of the State.

Qualifications

An applicant must possess the following basic qualifications:

- 1) Being an attorney licensed to practice law in the State of Hawai'i and in good standing;
- 2) Being able to serve with strict impartiality and no conflicts of interest or appearance of conflict;
- 3) Being available to devote a substantial amount of time in the next six to twelve months; and
- 4) Willing to accept the prevailing charge rate relevant to the professional services as a hearing officer, as determined by the Department.

Other desirable qualifications include civil litigation experience, practice in administrative law and process, familiarity with government proceedings and procedures, and knowledge of the Hawaii Revised Statutes and Hawaii Administrative Rules administered by the Department.

Submission Requirements

Qualified parties interested in being considered for selection are invited to submit a letter of interest with a curriculum vitae or resume to:

Department of Land and Natural Resources
Attn: Administrative Proceedings Office
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813
Facsimile: (808) 587-0390
E-Mail: DLNR.CO.APO@HAWAII.GOV

Applicants from the same company or law firm must submit separate applications to the Department. Applications may be submitted by mail, facsimile or electronic mail. The Department will not be responsible for lost or misdirected mails.

All submissions must be received by the Department or postmarked by Tuesday, February 9, 2016, 4:30 p.m. to be considered.
(SAB41140 1/29, 1/30, 1/31/16)

EXHIBIT "B"

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. 1;
District Use Permit (CDUP) HA-3568 for the	)	
Thirty Meter Telescope at the Mauna Kea	)	EXHIBIT 1;
Science Reserve, Kaohe Mauka, Hamakua	)	
District, Island of Hawaii, TMK (3) 4-4-	)	CERTIFICATE OF SERVICE
015:009	)	
_____	)	

MINUTE ORDER NO. 1

Notice is hereby given that Riki May Amano has been selected as the Hearing Officer in the above-titled contested case, pursuant to §13-1-32, Hawai'i Administrative Rules, and § 103D-304, Hawai'i Revised Statutes. Judge Amano's disclosure is attached as Exhibit 1.

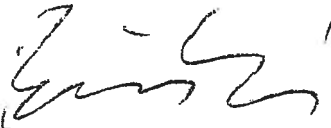
Any comments on and objections to this appointment shall be filed no later than April 15, 2016, 4:30 p.m. at DLNR Administrative Proceedings Office, 1151 Punchbowl Street, Room 130, Honolulu, Hawaii 96813.

DATED: Honolulu, Hawaii, March 31, 2016



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

LAND/TRAHS. DIV.
DEPARTMENT OF
ATTORNEY GENERAL
2016 APR -1 P 1:29



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

JUDGE RIKI MAY AMANO (RET.)
1003 Bishop Street, Suite 1155
Honolulu, HI 96813

March 31, 2016

Suzanne D. Case, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Chair Case:

Re: Contested Case Hearing In Re Thirty Meter Telescope CDUP Application;
Amano Disclosures

2016 APR - 1 P 1:29
LAND/TRANS. DIV.
DEPARTMENT OF
ATTORNEY GENERAL

This letter provides my conflicts of interests disclosure related to the Contested Case Hearing In Re Thirty Meter Telescope CDUP Application. It is my full disclosure, to the best of my knowledge, of possible conflicts of interests relative to persons and entities involved in the contested case hearing application, named in your letter dated March 21, 2016.

- I do not know and have never done business with Mauna Kea Anaina Hou, Clarence Kukauakahi Ching, Flores-Case 'Ohana, Deborah J. Ward, Paul K. Neves, Kahea: The Hawaiian Environmental Alliance, and TMT International Observatory LLC;
- I attended the University of Hawai'i at Hilo from 1971-1972 as a student; in 1972, I transferred to the University of Hawai'i at Manoa to complete my undergraduate studies in 1976;
- Upon graduation from law school in 1979, I was a deputy attorney general assigned to the Department of Transportation ("DOT")/Department of Land and Natural Resources ("DLNR") from August 1979 through August 1980; I was primarily a DOT deputy; I have not otherwise done business with DLNR in any capacity except that I may have presided over court matters involving DLNR when I served as a trial judge in the Third Judicial Circuit from February 1992 through April 1993 as a District Court judge and April 1993 through April 2003 as a Circuit Court judge;
- Regarding the Board of Land and Natural Resources ("BLNR"), I am not familiar with the distinction between the BLNR and DLNR in this case; checking your website, I disclose that I know two Board members: Stanley H. Roehrig and Christopher Yuen, in their professional capacities as lawyers; furthermore, Mr. Yuen is my husband's classmate from law school, William S. Richardson School of Law Class of 1982; neither my husband nor I have any social relationship with either Mr. Roehrig or Mr. Yuen; I do not have any ongoing work with either Mr. Yuen or Mr. Roehrig;
- In the course of my work as an attorney since 1979, or as a judge in the Third Judicial Circuit from 1992-2003, and/or post-retirement work as a mediator/arbitrator/neutral

from 2003 to the present, I have worked with or may have heard of attorneys Richard N. Wurdeman, Esq., Ian Sandison, Esq., Timothy Lui Kwan, Esq., John Manaut, Esq., Arsima Miller, Esq., and Douglas Ing, Esq.; I have no ongoing work with any of those lawyers;

- In the course of my career described above, I have worked with attorneys in the law firms of Carlsmith Ball and Watanabe Ing; I have no ongoing cases with any attorneys in those law firms; I have no ongoing work with either law firm;
- Between 1977 and 1978, I was a part time law clerk assigned to the University of Hawai'i at Manoa Division, Department of the Attorney General;
- I am of the belief that Deputies' Attorney General William Wynhoff and Linda Chow are assigned to the matter above-referenced; in the course of my career described above, I have worked with both attorneys; furthermore, Deputy Attorney General Linda Chow and I played on the same football team from 1988-1992 (I'm guessing); the team, comprised of women alumni of the William S. Richardson School of Law, plays the law school women once a year in November; I have no ongoing work with either of them; and
- I do not have any social relationships with any of the identified lawyers or law firms that any reasonable person would consider likely to affect my impartiality as a mediator.

My husband, Donald Amano, is a part-time staff attorney with the State Office of Information Practices. I do not have any information about his work so I am unable to disclose any possible relationships or interests that may involve the parties or counsels herein. However, if any of the parties or counsels knows of any interests or relationships stemming from my husband's employment, that a reasonable person would consider likely to affect my impartiality as a hearings officer in this case, I request that it be disclosed in a timely manner by **advising me and all counsels/parties via email**.

Finally, I am a member of the City & County of Honolulu Ethics Commission. As a Commissioner, my knowledge of the day-to-day workings of the Ethics Commission is limited and I do not know the names of all persons who have matters before the Ethics Commission. Nonetheless, I acknowledge my duty to update this disclosure in a timely manner and I will endeavor to do so upon my receipt of pertinent information germane hereto.

Due to the ongoing nature of my work as a mediator, arbitrator and neutral, it is highly likely that I will be contacted by lawyers and parties to do other work, while this case is still before me as a hearings officer. I will decline to do such work for the lawyers identified herein and their law firms while engaged as a hearings officer for this case.

I request that the lawyers and parties in this case assist me in my disclosure responsibilities by timely **advising me and all counsels/parties email** of any possible relationships or interests that they become aware of, that a reasonable person would consider likely to affect my impartiality as a hearings officer in this case.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'RMA' with a stylized flourish at the end.

Judge Riki May Amano (ret.)

CERTIFICATE OF SERVICE

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

1. Minute Order No. 1, Dated March 31, 2016

Was duly served upon the following parties, by means of State Messenger or U.S. Mail, postage prepaid, on April 1, 2016, at addresses below:

Julie H. China
Deputy Attorney General
Department of the Attorney General
465 South King Street, Room 300
Honolulu, Hawaii, 96813
COUNSEL FOR THE BOARD OF LAND AND NATURAL RESOURCES

Riki May Amano
1003 Bishop Street
Suite 1155, Pauahi Tower
Honolulu, Hawai'i 96813
HEARING OFFICER

Richard N. Wurdeman
Attorney at Law
1003 Bishop Street, Suite 720
Honolulu, Hawaii 96813
ATTORNEY FOR MAUNA KEA ANAINA HOU; CLARENCE KUKAUAKAHI CHING;
FLORES-CASE 'OHANA; DEBORAH J. WARD; PAUL K. NEVES; AND KAHEA: THE
HAWAIIAN ENVIRONMENTAL ALLIANCE

CARLSMITH BALL LLP
Ian L. Sandison
Timothy Lui-Kwan
Arsima A. Muller
1001 Bishop Street
American Savings Bank Tower, Suite 2100
Honolulu, Hawaii 96813
ATTORNEYS FOR THE UNIVERSITY OF HAWAI'I AT HILO

DATED: Honolulu, Hawaii, April 1, 2016

EXHIBIT "C"

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, Kahohe Mauka, Hamakua	)	
District, Island of Hawaii, TMK (3) 4-4-	)	
015:009	)	

MINUTE ORDER NO. 2

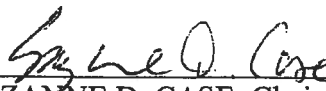
On December 2, 2015, the Supreme Court issued its decision in *Mauna Kea Anaina Hou v. Board of Land and Natural Resources*, 136 Hawai'i 376, 363 P.3d 224 (2015). The Court vacated the circuit court's May 5, 2014 Decision and Order Affirming Board of Land and Natural Resources, State of Hawaii's Findings 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.

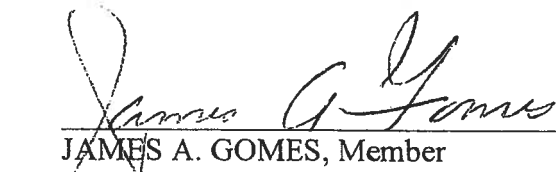
This order may be executed in counterparts.

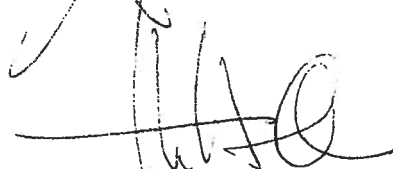
DATED: Honolulu, Hawai'i, April 8, 2016


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

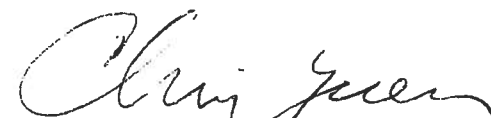

STANLEY H. ROEHRIG, Member


KEITH "KEONE" DOWNING, Member


JAMES A. GOMES, Member


THOMAS OI, Member


ULALIA WOODSIDE, Member


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:

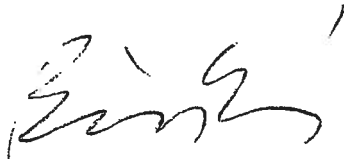
Julie H. China
Deputy Attorney General
Department of the Attorney General
465 South King Street, Room 300
Honolulu, Hawaii, 96813
COUNSEL FOR THE BOARD OF LAND AND NATURAL RESOURCES

Riki May Amano
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Suite 1155, Pauahi Tower
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HEARING OFFICER

Richard N. Wurdeman
Attorney at Law
1003 Bishop Street, Suite 720
Honolulu, Hawaii 96813
ATTORNEY FOR MAUNA KEA ANAINA HOU; CLARENCE KUKAUAKAHI CHING;
FLORES-CASE 'OHANA; DEBORAH J. WARD; PAUL K. NEVES; AND KAHEA: THE
HAWAIIAN ENVIRONMENTAL ALLIANCE

CARLSMITH BALL LLP
Ian L. Sandison
Timothy Lui-Kwan
Arsima A. Muller
1001 Bishop Street
American Savings Bank Tower, Suite 2100
Honolulu, Hawaii 96813
ATTORNEYS FOR THE UNIVERSITY OF HAWAI'I AT HILO

DATED: Honolulu, Hawaii, April 8, 2016



BIN C. LI

**Administrative Proceedings Coordinator
Department of Land and Natural Resources**

EXHIBIT "D"

BOARD OF LAND AND NATURAL RESOURCES

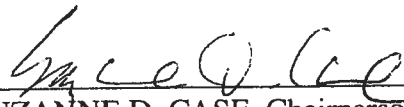
STATE OF HAWAII

IN THE MATTER OF	)	Case No. BLNR-CC-16-002
	)	
A Contested Case Hearing Re Conservation	)	NOTICE OF FILING OF HEARING
District Use Permit (CDUP) HA-3568 for the	)	OFFICER'S SUPPLEMENTAL
Thirty Meter Telescope at the Mauna Kea	)	DISCLOSURE; EXHIBIT 2;
Science Reserve, Kaohe Mauka, Hamakua	)	CERTIFICATE OF SERVICE
District, Island of Hawaii, TMK (3) 4-4-	)	
015:009	)	
_____	)	

NOTICE OF FILING OF HEARING OFFICER'S
SUPPLEMENTAL DISCLOSURE

Notice is hereby given that Hearing Officer Riki May Amano has filed a supplemental disclosure to be attached to her original disclosure which was issued with Minute Order No. 1 on March 31, 2016. This supplemental disclosure is attached hereto as Exhibit 2.

DATED: Honolulu, Hawaii, April 8, 2016



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

JUDGE RIKI MAY AMANO (RET.)
1003 Bishop Street, Suite 1155
Honolulu, HI 96813

March 31, 2016

Suzanne D. Case, Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Chair Case:

Re: Contested Case Hearing In Re Thirty Meter Telescope CDUP Application;
Amano Supplemental Disclosure

In my ongoing duty to provide conflicts of interests disclosures, I am advising that I am currently mediating Civil No. 14-1-0176 (3rd Circuit), Ian Seely vs. University of Hawai'i. It is an employment dispute that I agreed to mediate, on or about January 21, 2016. The matter completely slipped my mind when I prepared the prior disclosures.

I do not believe any reasonable person would consider my mediation of Civil No. 14-1-0176 (3rd Circuit) likely to affect my impartiality as a hearings officer in this case.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Judge Riki May Amano (ret.)

CERTIFICATE OF SERVICE

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

1. Notice of Filing of Hearing Officer's Supplemental Disclosure, 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:

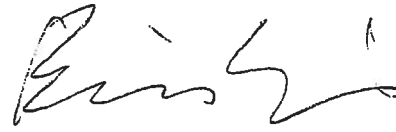
Julie H. China
Deputy Attorney General
Department of the Attorney General
465 South King Street, Room 300
Honolulu, Hawaii, 96813
COUNSEL FOR THE BOARD OF LAND AND NATURAL RESOURCES

Riki May Amano
1003 Bishop Street
Suite 1155, Pauahi Tower
Honolulu, Hawai'i 96813
HEARING OFFICER

Richard N. Wurdeman
Attorney at Law
1003 Bishop Street, Suite 720
Honolulu, Hawaii 96813
ATTORNEY FOR MAUNA KEA ANAINA HOU; CLARENCE KUKAUAKAHI CHING;
FLORES-CASE 'OHANA; DEBORAH J. WARD; PAUL K. NEVES; AND KAHEA: THE
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Arsima A. Muller
1001 Bishop Street
American Savings Bank Tower, Suite 2100
Honolulu, Hawaii 96813
ATTORNEYS FOR THE UNIVERSITY OF HAWAI'I AT HILO

DATED: Honolulu, Hawaii, April 8, 2016



BIN C. LI

Administrative Proceedings Coordinator
Department of Land and Natural Resources

EXHIBIT "E"

RICHARD NAIWIEHA WURDEMAN
Attorney at Law, A Law Corporation

Pauahi Tower, Suite 720, 1003 Bishop Street, Honolulu, Hawaii 96813
Telephone: (808) 536-0633 * Facsimile: (808) 536-0634
e-mail: rnwurdeman@rnwlaw.com

April 1, 2016

Suzanne Case
Chair, Board of Land and Natural Resources and
Director, Department of Land and Natural Resources
c/o William J. Wynhoff, Esq. and
Julie H. China, Esq.
Department of the Attorney General
State of Hawaii
465 S. King Street, Room 300
Honolulu, HI 96813

RE: Mauna Kea Anaina Hou, et al. v. Board of Land and
Natural Resources, et al.; Civ. No. 13-1-0349; SCAP-14-0873
DLNR Docket No. HA-11-05—UH/TMT CDUP Application

Dear Chair/Director Case:

I am writing to you on behalf of my clients, 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.

I am hereby requesting pursuant to the Freedom of Information Act, the Hawaii Uniform Information Practices Act, and under other relevant authority, including due process, the following information: (1) any and all e-mails and any other documents and/or communications referenced in the Hawaii Tribune Herald articles published on July 10, 2015 and July 19, 2015, entitled "Emails offer insight into state's response to protests" and "TMT attorney had inside track on legal issues," respectively (copies of said articles are enclosed herein); (2) any and all e-mails and correspondence in any form, including summaries and notes of oral and telephone communications, text messages, any and all documents, memoranda, and otherwise, of any communications between yourself and/or any of the DLNR staff and TMT representatives and/or counsel, University of Hawaii (and UH Hilo) representatives and/or counsel, the County of Hawaii Prosecuting Attorney's Office, and/or any other agencies and/or persons and/or organizations and/or corporations and/or business entities outside of your

Chair/Director Suzanne Case

April 1, 2016

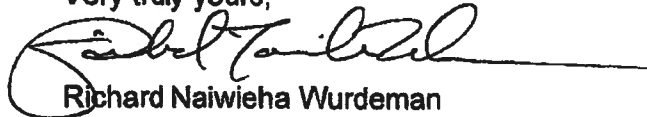
Page -2-

office regarding Mauna Kea, including, but not limited to, the TMT project, the TMT/UH CDUP application and permit, any enforcement action or plans for enforcement action of "protestors/protectors" on Mauna Kea, as well as the litigation in which my clients are involved; (3) all documents, notes, memoranda, emails, correspondence, text messages or any other documents, along with summaries of all oral communications held between you, your staff, and the Governor and any members of the Governor's office, including his chief-of staff and any other staffers and/or representatives, regarding Mauna Kea, the TMT project, and/or any litigation involving my clients (please also provide and I am affirmatively requesting full disclosures of all discussions that you had with the Governor and/or anyone from the Governor's Office, including the Chief of Staff and any other representatives or staff members, regarding Mauna Kea, the TMT project, and/or any litigation involving my clients); (4) please provide a copy of any notes from your presentation, recordings in any form, and communications involving a presentation that you made with the Japanese Chamber of Commerce and Industry of Hawaii luncheon on TMT (a copy of an article on said presentation is being enclosed herein), along with a full disclosure of everything discussed with Mr. Taniguchi regarding the project and any other individual at the said luncheon) as well as any notes, documents, communications, recordings in any form or any other documents in any way related to this presentation and any other public talks in which you were involved and/or participated; and (5) a full disclosure and any documents and/or written and/or verbal or electronic and/or computerized communications relating to Mauna Kea and the TMT project, in any way, of any kind of opinion of the project, formal and/or informal, and discussions involving the project, and/or the litigation involving my clients (that is not protected in any way by the attorney-client privilege).

Please provide the requested material as soon as possible and not to exceed thirty (30) days, unless mutually agreed upon by the parties.

Thank you for your attention to these matters.

Very truly yours,



Richard Naiwieha Wurdeman

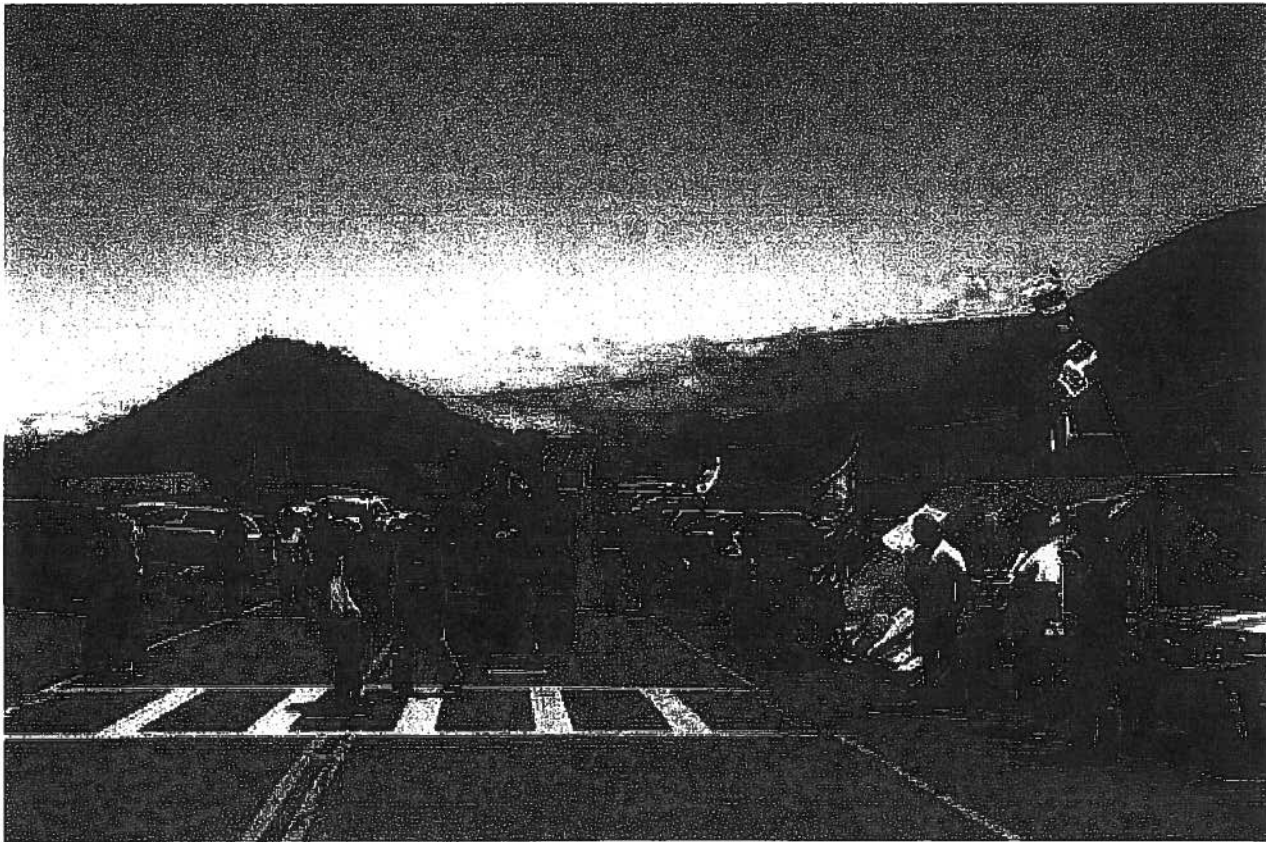
Enclosures

cc: Ian L. Sandison, Esq./Timothy Lui-Kwan, Esq.

Emails offer insight into state's response to protests

Published July 10, 2015 - 8:27am

HOLLYN JOHNSON/Tribune-Herald Opponents of TMT return to cheers and chants from fellow protesters after removing rocks off of the summit access road June 25 near the visitors center on Mauna Kea.



By CHRIS D'ANGELO Hawaii Tribune-Herald

Emails obtained by the Hawaii Tribune-Herald reveal details about the state's strategy — and its struggles — to deal with the months-long protest atop Mauna Kea by those opposed to construction of the Thirty Meter Telescope.

2
In an apparent attempt to avoid accusations that it was targeting protesters, state officials considered restricting public access not only on Mauna Kea, but in public hunting areas statewide, according to internal communications between state officials.

In a July 1 email to Hawaii Attorney General Douglas Chin, Suzanne Case, chair of the state Department of Land and Natural Resources, thanked Chin for the “clear delineation of options” he laid out the day before and outlined several options for moving forward.

“File a board submittal for the July 10 meeting authorizing a DLNR representative to conduct temporary closures and restrictions in public hunting areas statewide (i.e. not specific to Mauna Kea) as the next step in implementing the amended hunting rules that were just finalized,” she wrote.

Ultimately, the proposed emergency rules, which will be discussed today, would restrict access to two hunting units on Mauna Kea. The state says the move is necessary to address “threats to public safety and impacts to natural resources.”

Case’s email also outlined steps for dealing with the permanent camp, known among protesters as the Aloha Safety Check, located across the street from the Mauna Kea Visitor Information Station.

“Notify the campers, today if possible, that their camping is a violation under the Forest Reserve rules and illegal under the rules governing public hunting areas, and we will move forward with administrative remedies including fines, removal of structures, and if necessary arrests if they don’t move off the mountain by __,” Case wrote.

Other recommendations included posting signs providing notice of towing, notifying Kona Lua that it must remove its unauthorized portable toilets from the mountain or face administrative penalties, and pursuing a memorandum of agreement between DLNR and the County of Hawaii.

“I would suggest our legitimate goal is to keep the mountain open to normal activities,” Case wrote to Chin. “Cessation of unlawful activities while protecting free speech and traditional and customary practices would be the path to that goal.”

As early as May, officials began discussing the idea of closing the road to Mauna Kea’s summit, according to the internal emails.

“Hawaii County Police and TMT are researching the legality and feasibility of closing the Mauna Kea Access Road at the junction of Daniel K. Inouye Highway for construction traffic when construction commences,” Jason Redulla, deputy enforcement chief of DLNR’s Division of Conservation and Resource Enforcement, wrote in an email to other department heads May 5.

Later that month, Redulla wrote that Deputy Attorney General William Wynhoff had informed him that he believed the Land Board has the authority to close the state-owned portion of the roadway in the interests of public safety and health. However, he warned that the Hawaii County prosecutor’s office would “have to be willing to accept arrests that are made under the authority of such a closure.”

“ATTENTION (Lino Kamakau, DLNR branch chief),” Redulla writes. “Please contact the Hawaii County Prosecutor’s Office and brief them on this information. Please ask them whether they would be willing to accept cases and charge people who are arrested if such a road closure would take place. Please let us know what their response is.”

On June 29, Deputy Attorney General Linda Chow wrote to Chin and outlined a proposal that Wynhoff described in a later email as “potentially a real home run.”

Chow said she met with DLNR Division of Forestry and Wildlife personnel and “picked their brains about our dilemma of the Mauna Kea road.”

“The acting administrator (Scott Fretz) said that we might be able to temporarily close or restrict access to the road under the Game Mammal Hunting rules,” she wrote.

Subsequently, Fretz’ submittal asks the Lands Board to adopt a new section under Hawaii Administrative Rules Title 13, Chapter 123, which regulate game mammal hunting.

If passed, the new rules would prohibit backpacks, blankets and other “obvious camping paraphernalia” and limit the hours during which individuals could remain in a designated restricted area within 1 mile of Mauna Kea Access Road.

Construction of the \$1.4 billion TMT has been at a standstill since late March, when protesters, who call themselves protectors of the mountain they consider sacred, stopped crews from commencing grading and grubbing work.

The 100-plus pages of documents obtained Thursday also contained several internal

emails between state officials discussing how to respond to previous requests for comment by Tribune-Herald reporters.

In early June the newspaper asked why DLNR was not enforcing laws prohibiting camping on the mountain. At that time, protesters had maintained a 24-hour presence for more than 70 days.

After several back-and-forth emails, Kekoa Kaluhiwa, first deputy director of DLNR, suggested the department “minimize” its response by simply stating that, “The area is not permitted for camping. Both state and county officials are monitoring the situation.”

“For your information, the road is under the county while the adjacent land area is state forest reserve, and at this point, Jason (Redulla) and I are uncertain as to where the exact boundary line is,” Kaluhiwa wrote. “So, to avoid placing all of the jurisdictional oversight on one entity, we should keep our response short and general.”

In a follow-up email, the Tribune-Herald pressed DLNR to answer why, if camping is illegal, the department was allowing protesters to camp?

“This is a tough one to answer,” Kaluhiwa wrote to DLNR spokeswoman Deborah Ward. “I would value (spokesman Dan Dennison’s) and your opinion on whether we respond further on this. Truth is, we have avoided evicting the illegal campers/protesters so as not to escalate the situation on the mountain.”

After first contacting Mike McCartney, chief of staff for Gov. David Ige, for feedback and approval, the DLNR provided the Tribune-Herald with the following response: “DLNR is in frequent communication with the campers to ensure that impacts to the surrounding natural resources are minimized and that public safety is a priority. At this time, we have allowed them to remain and peacefully express their right of free speech while we assess the situation.”

The Mauna Kea access road has been closed since June 24, when protesters used their bodies and large rocks to prevent TMT construction crews from reaching the summit. The closure is expected to continue for the rest of the week.

Today’s Land Board meeting begins at 9 a.m. in Honolulu. A live stream is available at <https://olelo.org/>^[1]

The proposed emergency rules can be viewed at dlnr.hawaii.gov/dofaw/draft-rules, or in person at the DOFAW Office on Hawaii Island at 19 E. Kawili St. in Hilo.

Email Chris D'Angelo at [cdangelo@hawaii^{\[2\]}tribune-herald.com](mailto:cdangelo@hawaii.tribune-herald.com).

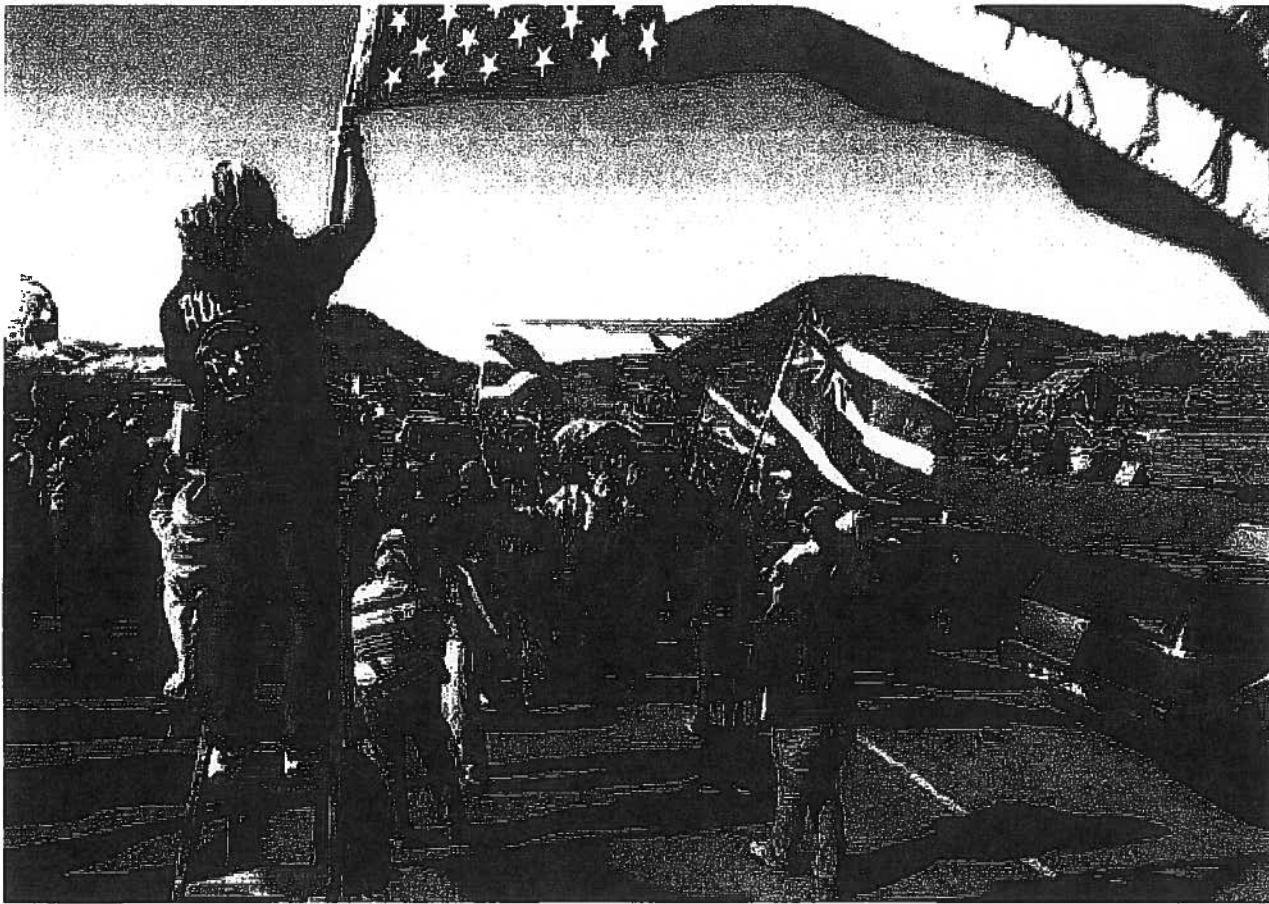
Links

1. <https://olelo.org/>
2. [https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=cdangelo@hawaii](https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=cdangelo@hawaii.tribune-herald.com)

TMT attorney had inside track on legal issues

Published July 19, 2015 - 6:18am

HOLLYN JOHNSON/Tribune-Herald Opponents of TMT protest atop Mauna Kea on June 24.



By CHRIS D'ANGELO Hawaii Tribune-Herald

A private attorney for the Thirty Meter Telescope was allowed in on state and county officials' conversations about jurisdictional issues on Mauna Kea, according to documents obtained by the Tribune-Herald.

Additionally, J. Douglas Ing, of Honolulu-based Watanabe Ing LLC, provided those

officials with TMT's legal arguments supporting prosecution of the protesters who were arrested for blocking construction of the telescope atop Hawaii's tallest mountain.

In late April, in the wake of the initial 31 protesters' arrest, Ing, who represents the TMT International Observatory, participated in at least two conference calls with Hawaii Deputy Attorneys General Linda Chow and Julie China, as well as University of Hawaii attorney Ian Sandison and Hawaii County prosecutors, emails show.

Asked why an attorney for TMT would have been included in such conversations and allowed to offer legal arguments, Joshua Wisch, a spokesman for state Attorney General Doug Chin, pointed out that a number of the arrests April 2 involved protesters trespassing on the TMT site.

"Footage of people trespassing on the TMT site was videotaped by TMT security," Wisch said. "As a result, the purpose of the discussions ... was likely to coordinate with the Hawaii County prosecutor to make sure they had the necessary information to proceed with the cases, and so enforcement personnel would understand what evidence would be required for any future potential enforcement actions."

The conference calls were arranged by Sandison. Reached via email, Sandison referred the Tribune-Herald to UH spokesman Dan Meisenzahl, who deferred to the AG's office.

Shortly after an April 20 conference call, Ing sent out a document entitled "TMT - Legal argument re prosecution of protesters."

"Thank you for joining the call today," Ing wrote in an email addressed to Elizabeth "Britt" Bailey, the Hawaii County deputy prosecuting attorney assigned to the protesters' cases.

"In follow up, attached is the memo regarding sovereignty, the Kingdom, lack of jurisdiction issues and Judge Cardoza's ruling. This was prepared by Ross Shinyama of our office. Feel free to contact him if you have questions."

The nine-page document references a number of previous court rulings and outlines arguments for why TMT believes those arrested during protests against the \$1.4 billion project should be prosecuted for their crimes.

"There is no dispute that the protesters' conduct in obstructing state and county

highways and roads occurred withing the State of Hawaii,” reads the memo. “The protesters are therefore subject to the criminal jurisdiction of the State of Hawaii.”

The document also states that the existence of the Kingdom of Hawaii is not relevant to the issue of whether the state has jurisdiction over the protesters and their conduct. He referenced a 2013 case involving Kona resident Dennis Kaulia, in which the Hawaii Supreme Court held that “individuals claiming to be citizens of the Kingdom (of Hawaii) and not of the State (of Hawaii) are not exempt from application of the State’s laws.”

Sovereignty has been a resounding issue for TMT protesters, who have taken a firm stance against further telescope development on the mountain they consider sacred.

During an initial appearance April 28 in Hilo District Court, Oahu attorney Dexter Kaiama, representing seven of the defendants, said he planned to argue that the Hawaiian Kingdom still lawfully exists and that the United States doesn’t have jurisdiction over the matter. In early May, during a second proceeding, this time in Waimea, a number of defendants demanded the hearings be moved back to Hilo.

The documents obtained by the newspaper also included several photographs of the April 2 protest, a map outlining the different jurisdictions along Mauna Kea Access Road and an April 17 email from Hawaii County Deputy Prosecuting Attorney Darien Nagata introducing others to Bailey, who is assigned to the Waimea courthouse.

“Britt has already charged/filed Criminal Trespass 2 (HRS 708-814) cases and it is anticipated that we will be charging additional charges of Obstructing (HRS 711-1105) on other cases referred to our office,” she wrote.

“For future cases, we would stress that we need to have the return to Hamakua Court (versus South Hilo Court) should the defendant(s) bail out and be provided with a future court date and courthouse.”

Kahookahi Kanuha, a protest leader who has been arrested twice, said allowing Ing to participate in the calls is yet another example of corruption and the state going above and beyond to protect the rights of private interests, while working against the other.

“How is protecting the rights of foreign entities over the rights of people of this place a sign of respect to the host culture?” Kanuha said, referring to comments made by Gov. David Ige in May.

This week, Ige signed a new emergency rule that prohibits camping and restricts public access on Mauna Kea. State officials say the rules are necessary to address an “imminent peril” to public safety and natural resources resulting from the ongoing protests.

Williamson Chang, a professor of law at the University of Hawaii Richardson School of Law and TMT opponent, filed a petition Wednesday seeking to repeal the rule.

He argues it prevents telescope opponents from legally exercising their rights to peacefully protest.

Email Chris D’Angelo at [cdangelo@hawaii^{\[1\]}tribune-herald.com](mailto:cdangelo@hawaii.tribune-herald.com).

Links

1. <https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=cdangelo@hawaii>

DLNR chief vows to protect TMT contractors

Published November 6, 2015 - 9:50pm

HOLLYN JOHNSON/Tribune-Herald Chair of the State of Hawaii DLNR Suzanne Case talks with Barry Taniguchi of KTA during the Japanese Chamber of Commerce and Industry of Hawaii "Talk Story" with Suzanne Case luncheon Thursday in the Moanahoku Room at 'Imiloa Astronomy Center.



By Nancy Cook Lauer West Hawaii Today ncook-lauer@westhawaiiitoday.com^[1]

HILO — The contractors building the \$1.4 billion Thirty Meter Telescope on Mauna Kea

have a right to be up there, the chairwoman of the state Department of Land and Natural Resources said Thursday, adding that the state will enforce the laws over which it has jurisdiction to ensure they are unmolested by protesters.

DLNR Chairwoman Suzanne Case was speaking to a mainly sympathetic audience at a luncheon in Hilo sponsored by the Japanese Chamber of Commerce and Industry of Hawaii.

“TMT has a right to move forward with its preliminary site work,” Case said. “They’ve gone up there two times; they have a right to continue. Our job is to make sure our enforcement personnel, as far as DLNR is concerned, our laws are upheld.”

Protesters, who have raised issues of Hawaiian sovereignty and concerns over environmental impacts, have blocked construction vehicles several times since late March. Dozens have been arrested on the mountain.

Case said enforcement to keep the road open is the county Police Department’s jurisdiction. The department did not respond to a detailed email and telephone message by press time Thursday.

“Obviously, it’s illegal for anyone to block roads,” Case said. “The county is responsible for enforcing that.”

The controversy has put a hold on grubbing and grading work by the TMT International Observatory.

Meanwhile, the Hawaii Supreme Court is considering a legal challenge of the project’s Conservation District land use permit. Following oral arguments in August, it’s unknown when the court will issue its ruling.

Asked if the state has assured the TMT contractors that their equipment and safety will be protected if they go back to work, Case referred the question to the governor’s office.

A spokeswoman for Gov. David Ige said Thursday the governor has said all along that TMT has the state permits and approvals to move ahead with the project and, as governor, he is required to ensure that TMT is able to move forward with the project.

Ige is out of the country, but he said at an Oct. 26 forum in Honolulu that, “When I

became governor, the state had made a decision to allow the project to proceed. As governor, I am responsible for assuring that the state can provide access for the TMT project as they are permitted and approved to do so.”

Still, at least one member of the audience Thursday had his doubts.

“It seems there’s a lack of will to enforce the law,” said Keith Marrack.

“It’s been relatively quiet lately, but we’ll be keeping a close eye on it,” Case replied.

Three representatives of the protesters, who call themselves “protectors” of the mountain, could not be reached for comment by press time Thursday.

A 3rd Circuit Court judge on Oct. 9 invalidated DLNR’s emergency rules limiting nighttime usage of Mauna Kea in a lawsuit filed by the Honolulu-based Native Hawaiian Legal Corporation on behalf of E. Kalani Flores. Camping in forest reserves and public hunting areas without a permit remains illegal under administrative rules.

The regulations were set to last 120 days after being signed into effect by Ige on July 14, shortly after construction of the TMT halted for the second time this year when a group of protesters who oppose the telescope project blocked Mauna Kea Access Road.

The group, composed of Native Hawaiian cultural practitioners, has been on the mountain since April.

Links

1. <https://mail.google.com/mail/?view=cm&fs=1&tf=1&to=ncook-lauer@westhawaiiitoday.com>

RICHARD NAIWIEHA WURDEMAN
Attorney at Law, A Law Corporation

Pauahi Tower, Suite 720, 1003 Bishop Street, Honolulu, Hawaii 96813
Telephone: (808) 536-0633 * Facsimile: (808) 536-0634
e-mail: rnwurdeman@rnwlaw.com

April 4, 2016

VIA Hand-Delivery

Suzanne Case
Chair, Board of Land and Natural Resources
c/o William J. Wynhoff, Esq.
and Julie H. China, Esq.
Department of the Attorney General
465 South King Street, Room 300
Honolulu, HI 96813

RE: Mauna Kea Anaina Hou, et al. v. Board of Land and Natural Resources, et al.; Civ. No. 13-1-0349; SCAP-14-0873
DLNR Docket No. HA-11-05—UH/TMT CDUP Application/HA: 3568, Case No. BLNR CC-16-002

Dear Chair Case:

I am writing to you again on behalf of my clients, Mauna Kea Anaina Hou and Kealoha Pisciotto, Clarence Kukauakahi Ching, Flores-Case 'Ohana, Deborah J. Ward, Paul K. Neves, and Kahea: The Hawaiian Environmental Alliance, a domestic non-profit corporation.

In that the Minute Order No. 1, filed in the above-referenced case, states that the objection deadline for the selection of the hearing officer is April 15, 2016; instead of the thirty (30) day period described for response to the written requests made to you, dated April 1, 2016, the time period for production of all documents and information made in that April 1, 2016 request is hereby amended to production by April 11, 2016. This request is being made without the petitioners waiving any positions and without waiving any objections.

Thank you very much for your attention to this matter.

Very truly yours,

Richard Naiwieha Wurdeman

cc: Ian L. Sandison, Esq./Timothy Lui-Kwan, Esq.

EXHIBIT "F"

Our History.

'Imiloa Astronomy Center of Hawaii, a part of the University of Hawaii at Hilo, opened its doors on February 20, 2006.

The \$28 million, 40,000-square-foot exhibition and planetarium complex is located on nine acres in the University of Hawaii's Science and Technology Park, above the UH-Hilo campus.

Originally called the Maunakea Astronomy Education Center, Imiloa was developed in the mid-1990s by a team of educators, scientists and community leaders who understood the need for a comprehensive educational facility that would showcase the connections between the rich traditions of Hawaiian culture and the groundbreaking astronomical research conducted at the summit of Maunakea.

One of the key driving forces behind 'Imiloa is U.S. Senator Daniel Inouye, who has helped secure federal funding at every step from planning to construction. His continued support has been vital to the growth of the facility.



"Let us proceed forward, working together through open communication and, where necessary, compromise to allow for

continued scientific exploration and discovery... [and] education that bridges astronomy and culture in a way that will inspire Hawaii's children to seek a career in science. I look forward to working with you."



Newsletter

Find out more about our monthly newsletter to the members.



FAQs

Have a question about becoming a member? Visit our FAQs section.

NĀ KUMUWAIWAI: Who We Are

The 'Imiloa Astronomy Center is a gathering place that advances the integration of science and indigenous culture. Our diverse exhibits, programs and events harness leading technologies, environmental resources, and cultural practitioners to engage children, families, and communities in exciting ways.

We are an integral part of the University of Hawai'i at Hilo, and therefore committed to improving the quality of life of the people of Hawai'i Island and state. Through strategic partnerships with programs of the University, Hawai'i-based observatories, local businesses and schools, we create opportunities that strengthen career awareness and workforce development, and contribute to our community sustainability.

See more on our [History](#), our [Building](#) and our [Educational Programs](#).

Where Astronomy meets Hawaiian Culture.
[YouTube](#)

Join Us: [Twitter](#) / [Facebook](#) / [Instagram](#) /

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[Home](#) / [Press](#) / [Site Map](#) / [Privacy](#) / [Terms](#) / [Contact](#)

Website Design & Development: [Wall-to-Wall Studios](#)

Address

'Imiloa Astronomy Center
600 'Imiloa Place
Hilo, HI 96720

Hours

Tuesday – Sunday
9:00 am – 5:00 pm
Closed Mondays

EXHIBIT "G"

Mahalo to 'Imiloa's Newest Members! (page 1 of 2)

Memberships Processed April 30 - May 28, 2014

New Kupuna Members

Mary Kauhi
Moana-Jean Olaso

New Dual Members

Margaret Beckett
Leigh Anne Cashel
Helaine Chock
Pamela Defreyn-Griffin
Jennifer Kerr
Heidi Lalonde
Dana McCormack
Aletha McCullough

New Family Members

Miltan Liwai Ah Nee & Lily Renfro-Robau
Barbara & Charles Bostwick
Dr. Sandra Branyon & Gary Evans
Jessica Buckles & Jay Routson
Analyn & Victor Gariando
Michael & Erin Gayer
Esperanza & Ryan Hilton
Lorena Kauhi
Tania Leslie & Dustin Ballesteros
Mark & Christy Schmidt
Elizabeth Sharrock & David Mikesell
Sean & Amber Tamura
Michelle & Marjorie Tu'i
Kelsie Valledor-Yoshida & Shayne Yoshida
Cheryl Young & Richard Zimbra

New Patron Members

Katherina Drake & Chasity Crosby

Renewed Kupuna Members

Shizuko Akamine
James Arakaki
Mary Canale
Ada Mae Kamaunu
Helen Mishima
Sandra Nakagawa
Rodney Wong
Annette Yamaki
Sheila Yamamoto

Renewed Individual Members

Susan Kimura
Julie Kubo

Sandra Oshiro
Dr. Lynne Wolforth

Renewed Dual Members

Anne Bowen
Lourdes Burces
John Coney
David De Forest
Ann Earles
Phyllis Fujimoto
Kathleen Golden
Marie Hoke
Sharon Jones
Russell Kimura
Virginia Maeda
Jeannine Miller
Merle Okabe
Henry Shimabukuro
Teri Stewart
Wesley Suwa
Bruce Taylor
Carol VanCamp
James Vernon
Dr. Paula Zeszotarski

Renewed Family Members

The Honorable Riki & Donald Amano
Claire & Fusaye Arakawa
Patricia & Vincent Barnwell
Catherine Bratt
Kathleen Brilhante
Lisa Katherine Canale & Alex Wood
Martin & Kimberly Ciez
Anne & David Cross
Sheila & Francis Dela Cruz
Adam Greenblatt & Cynthia Fong
Richard Heller & Henrietta Jeremiah
Samuel Kalua III & Simone Kalua
Lester & Lei Kimura
Frank & Pamela Latinis
Jennifer & Christopher Laude
Deborah & Richard McLean
Terry McNeely
Rosemarie Muller & Jennifer Salai
Jack & Dolores Oskins
Saul Rollason & Dr. Margaret Hu
Gladys & Prudence Sonomura

continued on next page...

Mahalo to 'Imiloa's Newest Members! (page 2 of 2)

Memberships Processed April 30 - May 28, 2014

Lucille & Lynette Takemoto
Michael Udovic & Irma Imai

Renewed Patron Members

Charlotte & Tsuneo Akiyama
Betsy Alspaugh & Alexander Kapela
Michael & Betty Ben
Helen Cooper & Frances Scarpinato
Gerald & Claudette De Mello
Ted & Sylvia Dixon
Rod & Beth Evangelista
John Flatley & Jeanne Beers Flatley
Kathleen Frankovic & Hal Glatzer
Chadwick & Raynette Fukui
Paul & Helen Hanson
Leonard Johnson & Dr. Barbara Parks
Luana Jones & Kay Elia
Wallace & Christina Kahapea
Melanie & Anne Keolanui
Alice & Tracy Kim
Arthur & Rene Kimura
George & Esther Kodani
Tupou & H. George Koenig

Larry & Judy Leach
Tom & Emma McAlexander
T. J. McAniff & Rosalind Wright
Barbara Meguro & Treena Breyfogle
Terry & James Miura, Jr.
Ivan & Linda Nakano
Dr. E. Aiko Oda & Dr. Daniel Anderson
Capt. Norman & Maikai Piianaia
Mark & Hiroko Sato
Aiko Sato
Harvey & Helene Tajiri
Shareen & Darryl Turner
Paula & Raena Yoshioka

Renewed Silver Members

Earl & Patricia Helm
Samson Hernandez & Chris Hernandez, Sr.
Dr. Jerry & Dr. Leila Kanno
Alan & Ellen Okinaka

Renewed Gold Members

Ronald Hata

New Kupuna Members

Masue Ando
Margaret Lumphrey
Paul Sanderson

New Individual Members

Aiko Sato
Bran-dee Torres

New Dual Members

Jerry Ashburn
Rebecca Avery
Rachel Daniels
Irene Grace
Tony Jifkins
Marc Kimball
Russell Kimura
Joseph Nicholas
Charlene Oniwa
Gregory Shirley
Rick Wilson
Carlene Wolf

New Family Members

Constance Ahu & Edmund Silva
Christa & Christian Duncan
Susan Hema Otaguro & Jon Otaguro
Andrew & Ann Lorenzo
Julie Maashoff-Badgley & Laurence Badgley
Arthur & Cheryl McMillan
Lopaka & Nicole Milliora
Faith Rocha & Daphne Fernandez
Harold & Barbara Rodrigues
Ryan & Laralyn Saguid
Malia & Tammy Wheeler

New Patron Members

Donna & Eric Higuchi
Brian Konik & Shannon Waldron
Jill & Barry Mark
Ben & Michelle Marshall
Gary & Nani Rothfus
David & Lucy Staples
Marianne Valentin & Robert Herodias, Sr.

New Gold Members

Pamela & Pierre Omidyar

Renewed Kupuna Members

Mary Canale
Virginia Goldstein
Mona Ikeda
Akemi Inouye
Irma Taylor
Lillian Udo
Jane Webb

Renewed Individual Members

Kevin Kitamura
Terry McNeely
Jeffrey Mermel
Loren Rice

Renewed Dual Members

Curtis Beck
Kaori Bothell
Edith Bouc
Dale Braley
Lourdes Burces
Linda Lou Embernate
Maria Fitzgerald
Helen Hemmes
Yuko Ishikawa
Sharon Jones
Donald Kegler
Jeannette Lesko
Violet Lindeman
Karen Maedo
Clifford Nishimura
Albert Pattison
Kaoru Shibata
Len Shimabukuro
Morgan Sky
Eileen Stensrud
Teri Stewart
Craig Yamamoto
Dr. Paula Zeszotarski

Renewed Family Members

The Honorable Riki & Donald Amano
Ula Anderson & Martha Miller
Martin & Kimberly Ciez
Gail & Mark Cosgrove
Allan & Linda Deehr

continued on next page...

Mahalo to 'Imiloa's Newest Members! (page 2 of 2)

Memberships Processed May 30 - June 28, 2013

Kathleen & Thomas English
Alida & Raymond Gandy, Jr.
Patricia & James Harwood
Jeffrey & June Ikeda
James & Jill Kamahele
Lester & Lei Kimura
James & Eydie Komata
Arlene Mullen & Sheldon De Aguiar
Robert & Harriet Okuda
Jack & Dolores Oskins
Barbara & Brent Russell
Ululani Sherlock & Nani Langridge
Andrew Son & Rebecca Choi
Gladys & Prudence Sonomura
Mark Swann & Michele Stone
Lucille & Lynette Takemoto
Sandy & Kahiku Troy
Jennifer & William Walters

Renewed Patron Members

Charlotte & Tsuneco Akiyama
Betsy Alspaugh & Alexander Kapela
Lee Ayers & Todd Pistorese
Susan & Randall Blei
June Bratton & Aileen Kaneshiro
Susan & Eddy Chen
Randall & Jan Ching
Joy Cooley
Dr. Susan Cordell & Dr. Patrick Hart
Charlyn Dote & Ronald Iyo
Dr. Charles & Mozela Dundas
Gweyn & Moani Eckart
Jeanne & Stephen Hannigan
Paul & Helen Hanson
Steve & Jill Jacunski
Julie & Hailialoha Jensen
Alice & Tracy Kim
Carol & Roy Kimura
George & Esther Kodani

Darryl & Tracie Kuniyuki
Sue & Ian Lee Loy
Debra Lewis & Douglass Adams
David Martins & Dayle Ishii
Tom & Emma McAlexander
Linda & Lester Mende
William & Julie Miller
Dwayne Miyashiro & Joan Shimoda
Randall Monaghan & Eloise Aguiar
Dr. Cecilia Mukai & Leonard Mukai, PhD
Puakailima & Ikaika Naipo
Earl & Carol Nakashima
Dr. Wayne & Kate Nishijima
Flavio & Sandra Nucci
Dr. E. Aiko Oda & Dr. Daniel Anderson
Capt. Norman & Maikai Piianaia
Carol & Rick Porter
Kathryn Rozier & Sarah Prange
Sharon Scheele & Alvin Inoue
Norman Sletteland & Mana Venable
Lloyd Tada

Harvey & Helene Tajiri
Shareen & Darryl Turner
Jane & Harold Uyeno
Craig Walther & Lisa Nelms
Paula & Raena Yoshioka

Renewed Silver Members

Patricia Engelhard
Walter Hughes
Llewellyn & Celeste Kumalae
Wendy & Allen Rice
Orlando & Sherelyn Ujano

Renewed Gold Members

Dr. Bill & Nancy Chen
Roberta & Newton Chu
Margaret & Kenji Shiba

Mahalo to 'Imiloa's Newest Members!

Memberships Processed May 1 – 22, 2012

New Individual Members

Thomas Cortese
Alice Moon

New Dual Members

Gail Kagawa
Suat Leow
Joan Prescott-Lighter
Alan Thompson

New Family Members

Sheldon De Aguiar
& Arlene Mullen
Blanca & Martin Evangelista
Adrienne & Christopher Hale
Johanna & John Kim
John & Morey Kooistra
Momi Lum
Rosemarie Muller & Jennifer Salai
Crescencio & Anita Rambayon
Michael & Eden-Nicole Scanlan
Jean Woodworth & Mike Gleason

New Patron Members

Melanie & Anne Keolanui
Leonard Johnson & Barbara Parks
Carol & Rick Porter
Dr. Robert Rosenbaum
& John Stillman
Clifford Schmidt & Mary Greenlaw
Renewed Kupuna Members
Helene Hale
Anita Politano-Steckel

Renewed Individual Members

Jarrett Kodani
Darcy Makanui-Souza
Lillian Udo

Renewed Dual Members

Dale Dinsmore
Larry Grodin
Chris Kakugawa
Allene Kaplan

Virginia Maeda
Ruthie Nakasone
Charles Rosario
Sheri Stewart
Irma Taylor

Renewed Family Members

The Honorable Riki Amano
& Donald Amano
Kathleen Brilhante
Ann & John Earles
Adam Greenblatt & Cynthia Fong
Gaylen & Noelani Kalipi
Lester & Lei Kimura
Hilary Moses & Stephen Ambagis
Karen & Gene Murayama
Dora & Burgess Ross
Leonard & Suellen Tanaka
Hisahito & Hisako Yamada

Renewed Patron Members

David De Forest
Santiago & Miriam Agcaoili
Garfield & Michele Arakaki
Jennifer Brown & Maile Paishon
Ted & Sylvia Dixon
Chaelyn Enos & Helene Kong
Warren Ferreira
& Cynthia Kerrigan
Arthur Kimura
Larry Leach
Frances Lee
Dan Lloyd & Patricia Anger
Sally Lucas
Althea & Eric Magno
Mr. T. J. McAniff
& Ms. Rosalind Wright
Perry & Derry Murata
Eric Roberts
& DeEtte Teraoka-Roberts
Leroy Shintaku
& Martha Scott-Shintaku
Janis Shirai & Lynn Shirai Tanimoto
Theresa & Tyson Takiue
Pastor Brian & Karen Welsh
Allison & Madison-Marie Yano
Lillian Zedalis & Hannah Fay

Renewed Silver Members

Earl & Patricia Helm
Randall Monaghan & Eloise Aguiar

Renewed Gold Members

Roberta & Newton Chu

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,)
Kaohe 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 party(ies) by depositing the same in the U.S. Mail, postage prepaid, addressed as follows:

Ian L. Sandison, Esq.
Timothy Lui-Kwan, Esq.
Carlsmith Ball, LLP
1001 Bishop Street
American Savings Bank Tower, Suite 2100
Honolulu, HI 96813

Attorneys for University of Hawaii at Hilo

William J. Wynhoff, Esq.
Julie H. China, Esq.
Department of the Attorney General
State of Hawaii
465 South King Street, Room 300
Honolulu, HI 96813

Attorneys for the Board of Land and Natural Resources

DATED: Honolulu, Hawaii, April 15, 2016.



RICHARD NAIWIEHA WURDEMAN