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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568
for the Thirty Meter Telescope at the Mauna
Kea Science Reserve, Ka'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02

**JOSEPH K. L. CAMARA'S MOTION TO RECONSIDER
MINUTE ORDER 19; COS**

JOSEPH KUALII LINDSEY CAMARA'S MOTION TO RECONSIDER MINUTE ORDER 19

Here Comes Joseph Kualii Lindsey Camara's Motion to reconsider Minute Order 19 granting PUEO's Motion to set the Issues. On August 29th, 2016 I approached the stand and asked on record if I could submit issues that could be discussed in this hearing. Judge Amano replied that all parties would have a chance to have input on what would be discussed in the Contested Case Hearing. Since then:

- PUEO filed a proposed motion granting itself the authority to set the issues (Doc 256) on September 9
- I filed a response containing issues critical to my case (doc 269) on September 19
- Minute order 19 granting PUEOs motion to set the issues was filed (Doc 281) on September 23

Minute Order 19, if unrevised, gives the authority to a single party in this case, to set the issues on which other parties can present evidence on during the Contested Case proceedings.

Minute Order 19 does not give satisfactory reasoning as to why the issues that I feel are central to my witnesses' testimonies will not be considered in this case.

My witnesses and I have already invested considerable time and effort preparing testimony that does not fit into the issues laid out by Minute Order 19. The date for submittal of this testimony has not been set, but is probably very near. My witnesses and I would have to revise our testimonies in an unreasonable time frame to be considered relevant to this case.

Regardless of whether or not the judge has the power to rule on the issues I have laid out, they are central to understanding the impact of the TMT development and should be considered by the judge if she intends to make the most informed decision on issuing a CDUP to TMT.

These are the critical issues to my case filed in doc 269 with discussion.

1. Native, indigenous, and human rights violations by the State of Hawaii, County of Hawaii, State

Department of Land and Natural Resources (DLNR), University of Hawaii (UH) and the Thirty

Meter Telescope (TMT) in attempts to develop the TMT on Mauna Kea. Also, violations that will

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occur if development is allowed to continue. This issue will be analyzed using State, Federal, and international laws, statutes and agreements.

- a. The United Nations Declaration of the Rights of Indigenous Peoples Articles 11, 12 and 25 are very pertinent to development of Mauna Kea. This declaration is signed by 148 countries including the U.S.
 - b. Witnesses on my behalf have been involved in petitioning the UN and other international entities and can offer the judge invaluable insight into this process.
 - c. Violations of these rights are human rights violations
 - d. Regardless of the Judges authority to rule on these issues, they are of critical importance to understanding Indigenous rights. Making a decision in this case without an understanding these issues would not be advisable.
2. The impact of the TMT development , as well as the cumulative impact of astronomy development on the spiritual landscape of Mauna Kea and the traditional function of this sacred space.
- a. The Native Hawaiian people and culture have been decimated since Western contact. We have lost much of the knowledge of the traditional functions of our sacred spaces. If we do not understand the function of these areas, how can we judge the impact development will have on them?
 - b. Witnesses on my behalf can share some insight to the traditional function and spiritual significance of Mauna Kea.
 - c. The September 26 site visit shows that those involved in arranging it have very little understanding of the cultural, spiritual significance of the summit area. This is an opportunity to learn.

3. Does the proposed TMT development constitute **DESECRATION** as defined by HRS 711-1107?

And if so, would the issuance of a CDUP by the DLNR make them a party to said desecration?

- a. Multiple protectors of Mauna Kea arrested last year have been found not guilty in State courts because they were preventing desecration. This issue is pertinent to this case.
- b. Many have filed desecration charges against further development on Mauna Kea. This issue is as of yet unresolved.

I must reiterate that no acceptable reasoning has been given as to why these issues will not be considered in this Contested Case Hearing.

I have invested considerable time and effort into this case, and it does not sit well with me that the issues I want to be heard by the court may be deemed irrelevant.

If the Judge does not have the authority to consider these issues, then who does? If this is not the proper venue for this discussion than what is? Can we discuss these issues in court, or will we find ourselves in another case of civil unrest on a dirt road?

Furthermore there are multiple motions that have not yet been ruled on. Depending on these rulings, other issues may arise.

Me ke aloha aina,

Joseph K. L. Camara _____ Hilo, Hawaii _____

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Document title:

I.

II. CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

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