

CARLSMITH BALL LLP

IAN L. SANDISON 5597  
TIM LUI-KWAN 2271  
JOHN P. MANAUT 3989  
ASB Tower, Suite 2100  
1001 Bishop Street  
Honolulu, HI 96813  
Tel No. 808.523.2500  
Fax No. 808.523.0842  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[JPM@carlsmith.com](mailto:JPM@carlsmith.com)

Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

Case No. BLNR-CC-16-002

**[PROPOSED] MINUTE ORDER NO.  
\_\_\_ DENYING TEMPLE OF LONO  
MOTION TO DISMISS OUT OF TIME  
[DOC. 179]; CERTIFICATE OF SERVICE**

**[PROPOSED] MINUTE ORDER NO. \_\_\_ DENYING  
TEMPLE OF LONO MOTION TO DISMISS OUT OF TIME [DOC. 179]**

On August 29, 2016, a hearing on the Temple of Lono's ("**Temple**") *Motion to Intervene* [Doc. 179], filed on August 8, 2016 ("**Motion**"), was held in Hilo, Hawai'i at the Hawaii Community College, Cafeteria, located at 1175 Manono Street.

The following persons were present:

Julie H. China, Esq., Deputy Attorney General  
Richard N. Wurdeman, Esq., for Mauna Kea Anaina Hou, for and with Kealoha Pisciotto,  
Clarence Kukauakahi Ching, Pualani Case, and E. Kalani Flores, with Keomailani Van Gogh.  
Timothy Lui-Kwan, Esq. and John P. Manaut, Esq., for the University of Hawai'i-Hilo ("**UH-Hilo**").

J. Douglas Ing, Esq. and Ross Shinyama, Esq. for TMT International Observatory, LLC: (“TIO”).  
 Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities Inc. (“PUEO”).  
 Lanny Alan Sinkin for Lono Temple with Kahuna Nobriga  
 Kalikolehua Kanaele  
 Harry Fergerstrom  
 Richard DeLeon  
 Mehana Kihoi  
 C. M. Kaho‘okahi Kanuha  
 Joseph Kualii Lindsey Camara  
 Jennifer Leina‘ala Sleightholm  
 Stephanie-Malia Tabbada  
 Tiffnie Kakalia  
 Dwight J. Vicente  
 Brannon Kamahana Kealoha  
 Cindy Freitas  
 William K. Freitas  
 Wilma Holi (witness)  
 Patricia Ikeda (witness)  
 David Louie, Esq. for the Attorney General and Department of the Attorney General

In relation to the Motion, the following documents were considered:

<b>Doc. No.</b>	<b>Title</b>	<b>Date</b>	<b>Counsel/Party</b>
183	TMT International Observatory, LLC’s objections to (1) Temple of Lono motion for reconsideration; (2) Temple of Lono motion to file motion out of time; and (3) Joseph K.L. Camara’s joinder to Richard Naiwieha Wurderman’s motion to strike Conservation District Use Application, HA-3568 dated September 2, 2101, and/or motion for summary judgment; COS	08/09/2016	TIO
193	Leinaala Sleightholm joinder to Temple of Lono motion to file motion out of time	08/10/2016	Sleightholm
194	The University of Hawaii at Hilo’s opposition to Temple of Lono’s motion to file out of time [Doc. 179]	08/10/2016	UH-Hilo
198	The University of Hawai’i at Hilo’s objection to J. Leina’ala Sleightholm’s joinder to Temple of Lono motion to file out of time filed August 10, 2016 [Doc. 193]; COS	08/11/2016	UH-Hilo

199	The University of Hawai'i at Hilo's joinder as to part (3) of TMT International Observatory LLC's objections to (1) Temple of Lono motion for reconsideration; (2) Temple of Lono motion to file motion out of time; and (3) Joseph K.L. Camara's joinder to Richard Naiwieha Wurderman's motion to strike Conservation District Use Application, HA-3568 dated September 2, 2010 and/or motion for summary judgment, Filed August 9, 201 [Doc. 183]; COS	08/11/2016	UH-Hilo
203	TMT International Observatory, LLC's objections to the untimely motions and joinders filed by anti-TMT parties including, but not limited to, doc. nos. 178, 179, 187, 190, 191, 192, 193, and 195; COS	08/11/2016	TIO
221	Glen Kila memorandum in support of motion to file motion out of time	08/19/2016	Kila
227	C Freitas motion to file out of time; COS	08/22/2016	C.Freitas
235	J. Leinaala Sleightholm's memorandum in support of Temple of Lono motion to file out of time	08/22/2016	Sleightholm
239	Tabbada (a) Response to University of Hawaii oppositions doc 139, 194, 196, 197, 198, 199, 200, 201, 202; (b) Support Kamahana Kealoha quo warranto doc 180; (c) Support Dwight Vincente filings; (d) Response to motion for protective order doc 182; (e) In support of Richard Wurdeman's motion to strike CDUA application HA-3568 discussed 8/12/2016; COS	08/22/2016	Tabbada
241	UH joinder to TIO objection to untimely motions [Doc. 203]	08/22/2016	UH-Hilo
244	Fergerstrom memorandum in support of Temple of Lono motion to file motion out of time; COS	08/25/2016	Fergerstrom

The deadline set by the Hearing Officer in this proceeding for all pre-hearing motions

was July 18, 2016 and the response deadline for all motions was August 1, 2016. *See* Minute Order No. 13 (Doc. 115). The Motion and documents in support of the Motion seek relief to file additional motions after the July 18, 2016 deadline.

The Hearing Officer heard arguments opposing the Motion on the ground that there is no good cause shown to file additional motions after the motions deadline.

The Motion, all related and oral submissions from counsels and/or parties, the Proposed Minute Order and all submissions related thereto, all applicable law, and the entire record having been considered by the Hearing Officer, and for good cause shown, the Hearing Officer finds that no good cause was shown to grant the Motion. Therefore,

IT IS HEREBY ORDERED that the Motion is DENIED.

The deadline for submission of any **motion** to reconsider this minute order shall be submitted no later than **Thursday, October 13, 2016 at 4:30 p.m.** Any **responses to motions to reconsider** shall be submitted no later than **Friday, October 14, 2016 at 4:30 p.m.** Any motions for reconsideration of this minute order shall be treated as a non-hearing motion unless otherwise ordered by this Hearing Officer.

DATED: Honolulu, Hawai'i, October \_\_, 2016.

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Judge Riki May Amano (Ret.)  
Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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, Hāmakua,  
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the above-referenced document was served upon the following parties by email unless indicated otherwise:

DLNR Office of Conservation and Coastal  
Lands ("OCCL")  
[dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov)

MICHAEL CAIN  
Office of Conservation and Coastal Lands  
1151 Punchbowl Street, Room 131  
Honolulu, HI 96813  
[michael.cain@hawaii.gov](mailto:michael.cain@hawaii.gov)  
*Custodian of the Records*  
*(original + digital copy)*

DAVE M. LOUIE, ESQ.  
CLIFFORD K. HIGA, ESQ.  
NICHOLAS R. MONLUX, ESQ.  
Kobayashi Sugita & Goda, LLP  
[dml@ksglaw.com](mailto:dml@ksglaw.com)  
[ckh@ksglaw.com](mailto:ckh@ksglaw.com)  
[nrm@ksglaw.com](mailto:nrm@ksglaw.com)  
*Special Deputy Attorneys General for*  
*ATTORNEY GENERAL DOUGLAS S. CHIN,*  
*THE DEPARTMENT OF THE ATTORNEY*  
*GENERAL, and DEPUTY ATTORNEYS*  
*GENERAL IN THEIR CAPACITY AS*  
*COUNSEL FOR THE BOARD OF LAND AND*  
*NATURAL RESOURCES and HEARING*  
*OFFICER*

WILLIAM J. WYNHOFF, ESQ.  
Deputy Attorney General  
[bill.j.wynhoff@hawaii.gov](mailto:bill.j.wynhoff@hawaii.gov)  
*Counsel for the BOARD OF LAND AND*  
*NATURAL RESOURCES*

J. DOUGLAS ING, ESQ.  
[douging@wik.com](mailto:douging@wik.com)  
ROSS T. SHINYAMA, ESQ.  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
Watanabe Ing LLP  
*Counsel for TMT INTERNATIONAL  
OBSERVATORY, LLC*

RICHARD NAIWIEHA WURDEMAN, ESQ.  
[rnwurdeman@rnwlaw.com](mailto:rnwurdeman@rnwlaw.com)  
*Counsel for Petitioners MAUNA KEA ANAINA  
HOU; CLARENCE KUKAUAKAHI CHING;  
FLORES-CASE OHANA; DEBORAH J.  
WARD; PAUL K. NEVES; and KAHEA: THE  
HAWAIIAN ENVIRONMENTAL ALLIANCE*

JOSEPH KUALII LINDSEY CAMARA  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

HARRY FERGERSTROM  
P.O. Box 951  
Kurtistown, HI 96750  
[hankhawaiian@yahoo.com](mailto:hankhawaiian@yahoo.com)  
*(via email & U.S. mail)*

WILLIAM FREITAS  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

TIFFNIE KAKALIA  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

BRANNON KAMAHANA KEALOHA  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

GLEN KILA  
[makakila@gmail.com](mailto:makakila@gmail.com)

JENNIFER LEINA'ALA SLEIGHTHOLM  
[leina.ala.s808@gmail.com](mailto:leina.ala.s808@gmail.com)

LANNY ALAN SINKIN  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for the Temple of Lono*

LINCOLN S.T. ASHIDA, ESQ.  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
NEWTON J. CHU, ESQ.  
[njc@torkildson.com](mailto:njc@torkildson.com)  
Torkildson, Katz, Moore, Hetherington &  
Harris  
*Counsel for PERPETUATING UNIQUE  
EDUCATIONAL OPPORTUNITIES (PUEO)*

DWIGHT J. VICENTE  
2608 Ainaola Drive  
Hilo, HI 96720-3538  
*(no email; mailing address only)*

RICHARD L. DELEON  
[kekaukike@msn.com](mailto:kekaukike@msn.com)

CINDY FREITAS  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

C. M. KAHO'OKAHI KANUHA  
[kahookahi@gmail.com](mailto:kahookahi@gmail.com)

KALIKOLEHUA KANAELE  
[akulele@yahoo.com](mailto:akulele@yahoo.com)


MEHANA KIHAI  
[uhiwai@live.com](mailto:uhiwai@live.com)

MAELANI LEE  
[maelanilee@yahoo.com](mailto:maelanilee@yahoo.com)

STEPHANIE-MALIA TABBADA  
[s.tabbada@hawaiiantel.net](mailto:s.tabbada@hawaiiantel.net)

HARVEY E. HENDERSON, JR., ESQ.,  
Deputy Attorney General  
[harvey.e.hendersonjr@hawaii.gov](mailto:harvey.e.hendersonjr@hawaii.gov)  
*Counsel for the Honorable DAVID Y. IGE, and  
BLNR Members SUZANNE CASE and  
STANLEY ROEHRIG*

DATED: Honolulu, Hawai'i, October 5, 2016.

  
\_\_\_\_\_  
IAN L. SANDISON  
TIM LUI-KWAN  
JOHN P. MANAUT  
Attorneys for Applicant  
UNIVERSITY OF HAWAI'I AT HILO