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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Attorneys for Applicant
UNIVERSITY OF HAWAII AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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 KALIKOLEHUA
KANAELE'S MOTION TO
EXCLUDE/REMOVE PUEO, TMT, UH
MANOA/HILO, AND ALL
PETITIONERS SEEKING FOR
PERMIT FOR TMT BY
CIRCUMVENTION OF RELIGIOUS
PROTECTIONS OF THE HAWAII
CONSTITUTION ARTICLE XII AND
HRS 7-11-1107 COMMITTING
DESECRATION [DOC. 173];
CERTIFICATE OF SERVICE**

**[PROPOSED] MINUTE ORDER NO. __ DENYING KALIKOLEHUA KANAELE'S
MOTION TO EXCLUDE/REMOVE PUEO, TMT, UH MANOA/HILO, AND ALL
PETITIONERS SEEKING FOR PERMIT FOR TMT BY CIRCUMVENTION OF
RELIGIOUS PROTECTIONS OF THE HAWAII CONSTITUTION ARTICLE XII AND
HRS 7-11-1107 COMMITTING DESECRATION [DOC. 173]**

On August 5, 2016, a hearing on Kalikolehua Kanaele's *Motion to Exclude/Remove
PUEO, TMT, UH Manoa/Hilo, and all Petitioners Seeking for Permit for TMT by*

Circumvention of Religious Protections of the Hawaii Constitution Article XII and HRS 7-11-1107 Committing Desecration [Doc. 173], filed on July 29, 2016 (“**Motion**”), was held in Hilo, Hawai‘i at the YMCA Building, 300 West Lanikaula Street.

The following persons were present:

Julie H. China, Esq., Deputy Attorney General and William Wynhoff, Esq., Deputy Attorney General

Stephen Michael Cain, Staff Planner

Richard N. Wurdeman, Esq., for Mauna Kea Anaina Hou, for and with Kealoha Pisciotta, Clarence Kukauakahi Ching, Pualani Case, and E. Kalani Flores, with Keomailani Van Gogh.

Timothy Lui-Kwan, Esq., John P. Manaut, Esq. and Ian Sandison, Esq., for the University of Hawai‘i-Hilo (“**UH-Hilo**”), with David Lonborg, Esq., Stephanie Nagata and Bob McLaren.

J. Douglas Ing, Esq. and Ross Shinyama, Esq. for TMT International Observatory, LLC. (“**TIO**”), with Sandra Dawson.

Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities Inc. (“**PUEO**”), with Bill Brown.

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

Maelani Lee

Stephanie-Malia Tabbada

Tiffnie Kakalia

Dwight J. Vicente

Brannon Kamahana Kealoha

Cindy Freitas

William K. Freitas

Ivy McIntosh (witness)

Wilma Holi (witness)

Patricia Ikeda (witness)

David Louie, Esq. for the Attorney General and Department of the Attorney General.

There were no oppositions, joinders, or other response to the Motion.

The Motion seeks to exclude PUEO, TIO, UH-Hilo and any other parties supporting the TMT Project. The Hearing Officer finds that granting movant’s requested relief would result in no contested hearing being conducted.

In *Mauna Kea Anaina Hou v. Bd. of Land and Natural Res.*, 136 Hawai'i 376 (2015), the Hawai'i Supreme Court remanded the Conservation District Use Application that is the subject of this proceeding to the Board of Land and Natural Resources to hold a new contested case hearing.

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, the Hearing Officer finds that there is no legal basis to grant the requested relief. Therefore,

IT IS HEREBY ORDERED that the Motion is DENIED.

The deadline for submission of any **motion** to reconsider this minute order shall be no later than **Thursday, October 13, 2016, 4:30 pm.** Any **responses to motions to reconsider** shall be submitted no later than **Friday, October 14, 2016, 4:30 pm.** 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

Judge Riki May Amano (Ret.)
Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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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:

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



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