

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI‘I

IN THE MATTER OF	)	Case No. BLNR-CC-16-002
	)	
Contested Case Hearing Re Conservation District	)	AMENDED NOTICE OF
Use Application (CDUA) HA-3568 For The	)	CONTESTED CASE
Thirty Meter Telescope at the Mauna Kea Science	)	HEARING
Reserve, Ka‘ohe Mauka, Hamakua, Hawai‘i	)	
TMK (3) 4-4-015:009	)	
	)	
	)	
	)	

**AMENDED NOTICE OF CONTESTED CASE HEARING**

The University of Hawai‘i at Hilo has applied for a conservation district use permit, HA-3568, to build the Thirty Meter Telescope (TMT) at the summit of Mauna Kea. The proposed site is in the Mauna Kea Science Reserve (Reserve). The Reserve is under lease to the University of Hawai‘i pursuant to General Lease S-4191.

Pursuant to Hawai‘i Revised Statutes (HRS) § 91-9, the parties are hereby given notice of the contested case hearing.

The start of the hearing was continued from October 11, 2016. The hearing will commence at the following date, time and place:

Date: October 18, 2016  
Time: 9:00 a.m.  
Place: Hilo Naniloa Hotel, 93 Banyan Drive, Hilo, Hawai‘i.

The hearing will continue on additional dates until completed.

The nature of the hearing is a contested case hearing on the University of Hawai‘i’s application for a conservation district use permit to construct a telescope at the summit of Mauna Kea.

Received  
Office of Conservation and Coastal Lands  
2016 Oct 06 10:33 am  
Department of Land and Natural Resources  
State of Hawaii

The hearing will be conducted by a hearing officer who will report to the Board of Land and Natural Resources (Board) the hearing officer's findings and recommendations, all pursuant to HRS chapter 91 and HRS § 92-16(a)(3).

HRS § 183C-1 authorizes the Board to establish and enforce land use regulations on conservation district lands. HRS § 183C-6 requires the Department of Land and Natural Resources to regulate land use in the conservation district by the issuance of permits. Hawaii Administrative Rules (HAR) chapter 13-5 contains the land use regulations within the conservation district. HAR §13-5-30 sets forth the procedures for permits, site plan approvals and management plans in the conservation district. In particular, HAR §13-5-30(c) sets forth the criteria that the Board shall apply in evaluating the merits of a proposed land use in the conservation district.


HRS chapter 91 and HAR chapter 13-1 authorizes and governs the contested case proceedings.

The issues involved in the hearing are as follows:

- Is the proposed land use, including the plans incorporated in the application, consistent with Chapter 183C, HRS, the eight criteria in HAR §13-5-30(c), and other applicable rules in HAR, Title 13, Chapter 5 Conservation District?
- Is the proposed land use consistent with Article XII, Section 7 of the Hawai'i State Constitution and Ka Pa'akai O Ka'Aina v. Land Use Comm'n, State of Hawai'i, 94 Hawai'i 31, 7 P.3d 1068 (2000)?
- Is the proposed land use consistent with Article XI, Section 1 of the Hawai'i State Constitution and the public trust doctrine?

Any party may retain counsel if the party so desires. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

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



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Judge Riki May Amano (Ret.)  
Hearing Officer

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  
Document title:  
**Amended Notice of Contested Case Hearing**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by email and by certified mail on Thursday, October 6 2016:

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Date: October 6, 2016