

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District)	Minute Order No. 21
Use Application (CDUA) HA-3568 For the)	(Fourth Pre-Hearing Conference)
Thirty Meter Telescope at the Mauna Kea Science)	
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i)	
TMK (3) 4-4-015:009)	
_____)	Certificate of Service

MINUTE ORDER NO. 21
(Fourth Pre-Hearing Conference)

On August 29, 2016, a Fourth Pre-Hearing Conference in the above-captioned matter, was held at the Hawai`i Community College Cafeteria at 1175 Manono Street, Hilo, Hawai`i. Present were:

Richard N. Wurdeman, Esq. for Mauna Kea Anaina Hou, for and with Clarence K. Ching, Kealoha Pisciotta, Pualani Case, Hawane Rios, Keomailani Von Gogh and E. Kalani Flores;
Timothy Lui-Kwan, Esq. and Ian Sandison, Esq. for the University of Hawai`i-Hilo (“UH-Hilo”).
J. Douglas Ing, Esq. and Ross Shinyama, Esq. for TMT International Observatory, LLC. (“TIO”)
Harry Fergerstrom
Mehana Kihoi
C.M. Kaho`okahi Kanuha
Joseph Kualii Lindsey Camara
Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities, Inc. (“PUEO”) with Keahi Warfield, Bill Brown and Richard Ha
Jennifer Leina`ala Sleightholm
Lanny Sinkin, Temple of Lono with Kahuna Nobriga
Kalikolehua Kanaele
Tiffnie Kakalia
Dwight J. Vicente
William Freitas
Harvey Henderson, Esq. for Governor Ige, Chairperson Suzanne Case and Board Member Stanley Roehrig
Cindy Freitas

Received
Office of Conservation and Coastal Lands
2016 Oct 10 4:26 pm
Department of Land and Natural Resources
State of Hawaii

Parties Richard Maele DeLeon, Maelani Lee, Glen Kila, Stephanie-Malia Tabbada, and Brannon Kamahana Kealoha, were not present. Glen Kila previously requested at the hearing on August 5, 2016, that he be excused on August 12, 2016, due to commitments related to his campaign for political office on Maui; the Primary Election was scheduled to take place on August 13, 2016.

In addition, Hearing Officer Witnesses Patricia Ikeda and Wilma H. Holi were present. Ms. Ikeda indicated that she was withdrawing her request to be a Hearing Officer witness.

The following matters were attended to and are hereby Ordered:

Stephens Request.

Shelley C. Stephens (Mahi Hanai) submitted a request to be part of the contested case hearing (Document 213). A request to be a party to a contested case hearing must comply with §13-1-31, Hawai'i Administrative Rules. The request fails to state a reason why Ms. Stephens should be admitted as a party to the contested case hearing. Ms. Stephens was not present at the Fourth Pre-Hearing Conference to provide any additional explanation. Ms. Stephens's request is dismissed for failure to prosecute her request to be a party. Any motion for reconsideration shall be filed within five business days after the filing of this Minute Order.

Minute Orders and Motions for Reconsideration.

Decisions on motions will be reflected in minute orders, one per decision. Motions for Reconsideration thereof shall be submitted within five business days after the filing of the Minute Order. Motions for Reconsiderations should not be re-argument of the same positions. Any oppositions to motions for reconsideration shall be submitted within five business days after the filing of the related motion for reconsideration. Motions for reconsideration shall be treated as non-hearing motions unless otherwise designated by the Hearing Officer.

Pre-hearing Statement.

A deadline for the submission of pre-hearing statements will follow the minute order setting out the issues.

Witnesses.

The deadline for filing Witness Lists was July 18, 2016; objections deadline was August 1, 2016. ((2nd Pre-hearing conference, June 17, 2016; Minute Order No. 13 (Hearing on Admission or Intervention As A Party; Second Pre-Hearing Conference), Doc. 115)) A deadline for submission of Final Witness Lists and submission of Witness Declarations will be set as the commencement of the contested case hearing nears.

All direct witness testimony shall be by declaration or affidavit, unless otherwise ordered by the Hearing Officer. Any party wishing to cross-examine a witness shall so indicate by a deadline to be set. At the contested case hearing, all witnesses shall have ten minutes to summarize their testimony before cross-examination will commence. Re-direct examination will be permitted. Re-cross examination will be considered.

Any party needing to subpoena a witness shall so request by a deadline to be set. Objections or motions to quash shall be filed by a deadline to be set. A hearing will be set to determine which subpoenas will be issued. This is likely to be held in very early October.

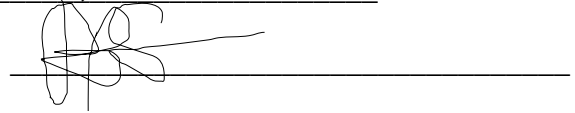
Dates/Deadlines. The following dates and deadlines are hereby Ordered:

- | | |
|---------------------------|---|
| September 9, 2016 | Deadline for PUEO to submit Proposed Minute Order Granting PUEO Motion to Set Issues |
| September 19, 2016 | Deadline for filing Responses to PUEO's Proposed Minute Order Granting PUEO Motion to Set Issues |
| September 26, 2016 | Site Visit to Mauna Kea
(Per Minute Order 16 filed on 8/22/2016:
August 27, 2016 deadline for submission of proposals regarding locations to be visited, who will attend, and procedures to be followed |

September 6, 2016 was deadline for submission of objections, responses, oppositions, etc.

Per Minute Order 18 filed on 9/19/2016: Decision on details and logistics of the Site Visit)

DATED: Honolulu, Hawai`i, October 10, 2016.

A handwritten signature in black ink, appearing to be 'RMA', is written over a horizontal line.

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:
Minute Orders 21, 22, 23, 24, 25, 26, 27

(CORRECTED) CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced Minute Orders were served upon the following parties by the means indicated on October 10, 2016:

Carlsmith Ball LLP
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
*Counsels for the applicant University
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea
Anaina Hou
keomaivg@gmail.com

Clarence Kukauakahi Ching
kahiwaL@cs.com

E. Kalani Flores
ekflores@hawaiiintel.net

B. Pualani Case
puacase@hawaiiintel.net

Deborah J. Ward
cordylinecolor@gmail.com

Paul K. Neves
kealiikea@yahoo.com

Kahea: The Environmental Alliance
c.o. Bianca Isaki
bianca@kahea.org

Watanabe Ing LLP
rshinyama@wik.com
douging@wik.com
*Counsels for TMT International
Observatory, LLC*

Harry Fergerstrom
P.O. Box 951
Kurtistown, HI 96760

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore, Hetherington
& Harris
lsa@torkildson.com
njc@torkildson.com
*Counsels for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leinaala.mauna@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiintel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
brannonk@hawaii.edu


Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

Wilma H. Holi
P. O. Box 368
Hanapepe, HI 96716
Witness for the Hearing Officer

Moses Kealamakia Jr.
mkealama@yahoo.com
Witness for the Hearing Officer

Patricia P. Ikeda
peheakeanila@gmail.com
Witness for the Hearing Officer

Signature: 
Name: Michael Cain
Date: October 11, 2016