

**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. 35
Use Application (CDUA) HA-3568 For the	)	(Order Re: Dismissal of
Thirty Meter Telescope at the Mauna Kea Science	)	Shelley Stephens' Request to
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i	)	Be Part of Contested Case Hearing
TMK (3) 4-4-015:009	)	(Doc. 213))
	)	
	)	
	)	
	)	<b>Certificate of Service</b>

**MINUTE ORDER NO. 35**

**(Order Re: Dismissal of Shelley Stephens' Request to Be Part of Contested Case Hearing (Doc. 213))**

On August 29, 2016, Shelley Stephens' Request to be Part of Contested Case Hearing ("Request") (Doc. 213) came for hearing in Hilo, Hawai`i at the Hawaii Community College, Cafeteria, 1175 Manono Street.

The following persons were present:

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 Fergstrom  
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

After calling “Shelley Stephens” name twice, it was noted that Shelley Stephens was not present. Other than the Request, there were no other related submissions for the Hearing Officer’s consideration.

On October 5, 2016, the University of Hawaii at Hilo filed a Proposed Minute Order No. \_\_\_ Denying the Request (“Proposed Minute Order”; Doc. 320).<sup>1</sup> Cindy Freitas submitted Objection to All Minute Order No. \_\_\_ That Was Filed In The Document Library On October 5, 2016 Doc 322, 321, 320, 319, 318, 317, 316, 315, 314, 312, 311, 310, 309 and 308, on October 7, 2016 (“C. Freitas Objection”; Doc. 332 and Doc. 333)<sup>2</sup>.

The Hearing Officer finds that the Request has already been addressed in Minute Order No. 21 (Fourth Pre-hearing Conference) (Doc. 344). Minute Order No. 21, “Stephens Request” sets out that: “Ms. Stephens’s request is dismissed for failure to prosecute her request to be a party.” No Motion for Reconsideration has been filed to date.

IT IS SO ORDERED.

DATED: Honolulu, Hawai`i, October 13, 2016.



---

Judge Riki May Amano (Ret.)  
Hearing Officer

---

<sup>1</sup> At the 5<sup>th</sup> pre-hearing conference, held on October 3, 2016, the Hearing Officer requested that prevailing parties submit proposed minute orders relative to motions for which oral rulings were rendered but written Minute Orders were still outstanding. Deadline for submission of the proposed minute orders was set for Wednesday, October 5, 2016, 4:30 p.m. Deadline for the submission of responses to the proposed minute orders was set for Friday, October 7, 2016, 4:30 p.m.

<sup>2</sup> It appears that C. Freitas filed two identical documents; Doc. No. 332 is file-stamped “2016 Oct 07 at 11:44 a.m.” and Doc. No. 333 is file-stamped “2016 Oct 07 at 3:39”.

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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

BLNR Contested Case HA-16-02  
Document title: Minute Order 35

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated on October 13, 2016:

Carlsmith Ball LLP  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[jpm@carlsmith.com](mailto:jpm@carlsmith.com)  
[lmcaneley@carlsmith.com](mailto:lmcaneley@carlsmith.com)  
*Counsels for the applicant University  
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea  
Anaina Hou  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

Clarence Kukauakahi Ching  
[kahiwaL@cs.com](mailto:kahiwaL@cs.com)

E. Kalani Flores  
[ekflores@hawaiiintel.net](mailto:ekflores@hawaiiintel.net)

B. Pualani Case  
[puacase@hawaiiintel.net](mailto:puacase@hawaiiintel.net)

Deborah J. Ward  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

Paul K. Neves  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

Kahea: The Environmental Alliance  
c.o. Bianca Isaki  
[bianca@kahea.org](mailto:bianca@kahea.org)

Watanabe Ing LLP  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
[douging@wik.com](mailto:douging@wik.com)  
*Counsels for TMT International  
Observatory, LLC*

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

Mehana Kihoi  
[uhiwai@live.com](mailto:uhiwai@live.com)

C. M. Kaho'okahi Kanuha  
[kahookahi@gmail.com](mailto:kahookahi@gmail.com)

Joseph Kualii Lindsey Camara  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

Torkildson, Katz, Moore, Hetherington  
& Harris  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
[nic@torkildson.com](mailto:nic@torkildson.com)  
*Counsels for Perpetuating Unique  
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)

Maelani Lee  
[maelanilee@yahoo.com](mailto:maelanilee@yahoo.com)

Lanny Alan Sinkin  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for The Temple of Lono*

Kalikolehua Kanaele  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

Stephanie-Malia:Tabbada  
[s.tabbada@hawaiiintel.net](mailto:s.tabbada@hawaiiintel.net)

Tiffnie Kakalia  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

Glen Kila  
[makakila@gmail.com](mailto:makakila@gmail.com)

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

Cindy Freitas  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

William Freitas  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

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

Ivy McIntosh  
[3popoki@gmail.com](mailto:3popoki@gmail.com)  
*Witness for the Hearing Officer*

Moses Kealamakia Jr.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Witness for the Hearing Officer*

Patricia P. Ikeda  
[peheakeanila@gmail.com](mailto:peheakeanila@gmail.com)  
*Witness for the Hearing Officer*

Richard N. Wurdeman  
[RNWurdeman@RNWLaw.com](mailto:RNWurdeman@RNWLaw.com)

Signature:   
Name: Michael Cain  
Date: October 13, 2016