

Cindy Freitas
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BOARD OF LAND AND NATURAL RESOURCES
FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) **CINDY FREITAS THIRD**
Use Application (CDUA) HA-3568 For the) **SUPPLEMENTAL WITNESS**
Thirty Meter Telescope at the Mauna Kea) **LIST;**
Science Reserve, Ka'ohē Mauka, Hamakua,) **CERTIFICATE OF SERVICE**
Hawaii'I TMK(3)4-4-015:009)
)
)
)
)

CINDY FREITAS THIRD SUPPLEMENTAL WITNESS LIST

I Cindy Freitas, "Petitioner" submits its Second Supplemental Witness List.

Name	Subject Matter
Susan Rosier	Substantial Impact of Proposed TMT Project

Kailua Kona HI. November 1, 2016


Cindy Freitas Petitioner

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BOARD OF LAND AND NATURAL RESOURCES
FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) **CINDY FREITAS THIRD**
Use Application (CDUA) HA-3568 For the) **SUPPLEMENTAL EXHIBIT**
Thirty Meter Telescope at the Mauna Kea) **LIST;**
Science Reserve, Ka'ohē Mauka, Hamakua,) **CERTIFICATE OF SERVICE**
Hawai'i TMK(3)4-4-015:009)
)
)
_____)

CINDY FREITAS THIRD SUPPLEMENTAL EXHIBIT LIST

I Cindy Freitas, "Petitioner" submits its Third Supplemental Exhibit List.

Ex. No	Description
S-17	Susan Roiser Witness Direct Testimony
S-18	Image: Heavy Equipment Machinery
S-19	Doc 391 Motion To Dismiss Contested Case Hearing Re Conservation Use Application HA-3568

Kailua Kona HI November 1, 2016, 2016


Cindy Freitas Petitioner

Exhibit S-17

Susan Roiser Witness Direct
Testimony

Susan Rosier – Witness Direct Testimony

My name is Susan Rosier.

I live in the Waikahekahe Ahupua'a, Puna, Moku O Keawe (Hawai'i Island).

DISCLOSURE: Mr. James Gomes of the Board of Land and Natural Resources was my neighbor directly across the Kula Highway in Keokea, Kula, Maui. His daughter, Sally Ann Gomes was classmate of my daughter and our driveway was her bus stop. Later during my equipment hauling days I had casual conversations with Jimmy while waiting for parts orders at his business in Wailuku, Maui, Gomes Equipment Repairs. I have not seen nor spoken to him since he was seated on the BLNR.

A little of my background:

My husband, Alan Freitas, was a heavy equipment mechanic I was his mechanic assistant for over 33 years, up until his stroke forced retirement in May 2013. In the late 1980's and 1990's Henry Akima, Alan Freitas and I moved all the heavy equipment for union shops on Maui, including Goodfellow Brothers, who holds the contract for the groundwork on the TMT Observatory. These GBI (Goodfellow Bros. Inc.) projects that I delivered equipment to include, but are not limited to: Waiehu Terrace, Makena Golf Course, Maui Lani Subdivision, Lahaina Shopping Center, The Masters at Ka'anapali, Ka'anapali Golf Course, The Ritz Carlton at Kapalua, Kapalua Golf Course, Kihei Research and Technology Park and more.

I also hauled heavy equipment for other union shops including Pacific Construction, Kiewit Corporation. E.E. Black, Grace Pacific, Hawaiian Bitimus etc. All Union shops were required to use the union services of Akima's Lowboy Service. Some other projects included the Kea Lani and Four Seasons Hotels in Wailea, the Haleakala Highway widening project, Kalama Intermediate School in Pukalani. Princess Nahienaena Elementary School in Lahaina, Laniupoko Subdivision in Lahaina, Kahului Airport Expansion. Kahoma Stream widening project and various drainage and culvert projects around Maui.

TYPES OF EQUIPMENT HAULED:

- Rollers: Rubber Tire, Vibratory, Double Cylinder,
- Track-hoes aka Excavators: all sizes including extended arm type that needed an operator on board to lower the arm when going through the tunnel and to lift up wires above roadways and those with "hammers" (rock busters) (Photo Lower Right Exhibit # 18)
- Rubber Tire Backhoes
- Bulldozers: sizes ranged from small D-3 to D-11s which required 2 trucks
- Mobile Cranes - all sizes, some that required night movement with police escort
- Extra Large Rock Dump Trucks (Photo Top Left Exhibit # 18)
- All types of Paving Equipment
- Track Drills with compressor trailers and self contained
- Sheepsfoot: Rubber tire on rear and cleats on all four wheels
- and others that are not readily available to my memory

This introduction should provide the reader with some familiarity of the extensive experience I obtained during my heavy equipment hauling years.

TESTIMONY:

In the Spring of 2015, while participating in a conversation about Mauna Kea, I saw photos taken by Nanci Munroe on the TMT job site atop Mauna Kea. The photos showed oil leaks on equipment that was parked near the TMT Observatory site. There were also photos of oil puddles on the ground. This didn't surprise me.

In my experience hauling equipment, machines that leak engine oil or hydraulic fluid was not uncommon. As a diesel mechanic's assistant, replacing engine and hydraulic system fluids required me to carry (in my service truck) two full 5 gallon buckets of hydraulic and one bucket of engine oil. Broken hydraulic hoses or fittings was in the top five repairs done on a consistent basis. It felt like there was always hydraulic hoses to be fixed or replaced. Hoses tend to get very brittle in the elements. Many times they burst when under pressure, flying 5 or more gallons of hydraulic fluid everywhere. One time that 'everywhere' included hot oil all over me and all the rent a cars in the parking lot of the Intercontinental Hotel in Wailea!

At Akima's Lowboy Service, one of my responsibilities was for picking up machines all over Maui from base-yards and job-sites. I loaded them on trailers, chained them down for safety and delivered them to their next location.

There were times when a machine was broken and I would call for the mechanic to fix it so it could be loaded. Other times broken machines could be loaded and moved, but would need repairs before they could be put to use. I would report the problems to the job site foreman upon delivery. At times I was able to explain much of the mechanical problems to the foreman or mechanic because of my experience as a diesel mechanic's assistant so they could be ready with parts when the machine arrived. This experience also enabled me to deliver equipment that could not be fixed but could still be used.

One oily machine that sticks out in my mind was a 245 Cat excavator with a broken house lock. That meant that after loading I would have to crawl underneath and chain it down in the shape of a large X to secure the house from swinging around during transport. This was in addition to the 4 chains on either side of the the track exterior. That thing always left me an oily mess! And yes, it was a Goodfellow machine.

The only times I saw a machine that did not have oil or grease on it was if it was brand new off the barge or pickup from Pacific Machinery or if we washed it all down before loading it on the barge to be shipped off island. As seen in the bottom left hand corner of my photo EXHIBIT # 18

But I digress, Mr. Akima was my friend and appeared one morning at our shop. It was 3am and he needed help taking a LARGE mobile crane from the Kahului Airport expansion to the Grand Wailea Hotel. In the afternoon we moved it back to the airport for the night time construction. From that day forward together we moved machines all Maui.

The first machine I ever loaded on a trailer was a rubber tire roller, my second was a rubber tire backhoe that we picked up at Pioneer Mill. The first bulldozers I loaded was a D4 to Flemings Beach at the future site of the Ritz Carlton. A day that is etched in my memory. You may remember when the bones of over 900 Kanaka Maoli were uncovered? Well, we dropped it off before the ceremony allowed for the reburial protocol of our host culture, the original people of this land the Hawaiians. We shuttled some D8 dozers from the Goodfellow Base-yard to the quarry and returned late afternoon to pick up the D4. The had used it to push all those bones into a trench and cover them over. I cried all the way back to the shop. Henry Akima told me, but Susan that's how. He said that like there is nothing anyone can do.

We were having a hot dog the first time Henry told me to drove the Peterbilt truck. Normally I drove a Bronco and escorted large machines and D9s are pretty large. I said why? Is your hip and leg hurting? He replied no, about time. And I drove on the cane haul road from Olowalu to Kaanapali Hillsides. You can't see anything but blade out of those big side mirrors. But oh was I thankful when I 'split' the transmissions just

right. It was an old double stick truck which means two transmissions to shift and at one point you have to listen to the winding of the engine to know the right rpm to shift two sticks almost simultaneously. From that day forward I drove that part of the route for all overload size machines that were too large to pass through Lahaina Town.

We had an agreement, Henry and I, that if I ever thought I could not do something to just let him know. That moment came when we went to Goodfellow Base-yard in Kihei. There was a 245 Excavator up in the quarry that needed to be moved, After setting up the detachable trailer, Henry told me to walk up and go get it. Now that thing is scary! It had what they call a hammer which is a rock buster and it is huge and broken. We had moved it before and the hammer part is real touchy and seems to go off over nothing ... very dangerous to someone who is not an operator like me so I told him I don't think I can. His response? Can, now go get 'em. On the way up all I could think of was the "Little Train That Could" (a children's story book) and I kept repeating I think I can I think I can. Then suddenly I realized Henry had sent me up to the perfect place to learn to control that machine. If a bunch of rocks got busted, well, that is what the quarry does bust rocks. I got the machine under control and walked it down the road with parked cars on either side and made it down the the trailer parking it into the loading position and got off. Henry said Hey, go load 'em. In my think I can mode, I did just that then chained it down for its journey to the rock quarry at Honolua, Lahaina side bound.

While I am talking about Hammers, I must relate an incident that I will always remember. The machine was in the parking lot of the Intercontinental Hotel in Wailea. The operator didn't want to get out for me to load it; he wanted to do it himself. Akima said Let him go and direct him. So, I put my arm straight down, palm up and finger tips toward the operator and made eye contact so that I would know he understood what I was 'saying' to him. He shook his head and said "No wahine going tell me how to load my own machine." The motion was to tell him to put the hammer in the side position so it is laying on the ground; I made the motion again. He put the tip of the hammer on the cement and pressed down. The hammer has four(4) hydraulic hoses attached that enable the movements; all four blew up with two of them spewing hot oil all over me and all of the tourist open top convertibles in the parking lot. With hot oil dripping off my hat and clothes soaked with it, I just stood there giving him the meanest stink eye! If anyone knows how easy it is for **operator error** to cause 20 gallons of hot hydraulic oil the pump out over a huge area with hose arms flailing every angle, well that is definitely me! And why did that operator make that error? Guess because I was the only 'wahine' working in that area of construction in a man's world..

Track Drills are used for drilling out holes for blasting material to be inserted. If you have never seen a continuous serial blast to lay footings for a large building or fiber-optics cable, you should watch the footage on the Goodfellow Brothers web site. Well, maybe the guys would like to see it; there are a lot of great machine videos on their site.

Track drills can be self contained or they can have compressor trailers (called a wagon drill) that move them around. The compressor have big engines that push the drill unites around by attached long hoses. They are used in places where the track drill itself will have to be far from its compressor like a position up a hillside that needs prepping for the blasting caps to be inserted.

While we are on the subject of blasting, I am recalling a certain dynamite shed in Wailea. Whenever they found bones on that hotel job site, they would put them in 5 gallon buckets. Those buckets were stored in the dynamite shed because the inspectors would not go near a blasting shack. That is how much reverence is shown by people who do not believe in respect of such things! They would dispose of the full buckets once in a while, but I never knew where. Some of the workers talked of seeing ghosts of old Hawaiian warriors in the tunnels built to go from wing to wing. Later my auntie told me of a room in that hotel they cannot rent out; she would know she worked there in housekeeping. Yes, it felt like that kind of place. Wailea Bay was one of our camping grounds when my children were young.

It concerns me that there has been so much damage to Mauna Kea summit already. Even the summit itself, Pu'u Kea was sheered off to build a telescope and a new summit was named. Personally, I find that particular incident heartbreaking for it genuinely had no regard for the religious nor cultural rights of the indigenous people of

these islands. Just because someone has learned to hula or even joined a halau does not mean that they understand this complex multi-faceted belief system of Hawai'i nei! Yet it seems we are operating in a world where the concerns of communities are only given lip service. They let the lips talk but have ears too deaf to hear the truth when it is being told to them. I suppose they are on a mission to get it done no matter what. But the matter is important, too important to push aside under the labels of economic benefits and education for a few lucky ones. But what of the future if there is Operator Error? As we are all human and subject to errors.

To think that years of construction can take place without an oil or hydraulic fluid spill is beyond reason. Hoses fray in the elements, fittings wear out, hydraulic pumps can also leak, radiators with freon in them can leak or overheat or spill freon out through a hose bursting, and let us not forget the basic cause of operator error; and since we are all human and not perfect, it is impossible to prevent human error.

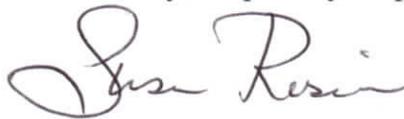
Some have stated the aquifer is not affected at that elevation. I would disagree. Any oil spill or even antifreeze spill (**necessary for all equipment operating at this elevation**) will endanger the aquifer albeit not right away. But any spills into the ground will, under the force of gravity, eventually make its way down to the water table. Can we as a people collectively risk the poisoning of the water for future generations that live on this island 50 years from now?

If you love this island, the answer would have to be no.

Because of what I have learned in my life experience, I am afraid that the voices of those from abroad will be heard above those voices who belong to Aloha 'Aina, those who love and care for the land with their whole beings. Those who know the ins and the outs and the ups and the downs. It's in their veins inherited from their ancestors who cared for the land so well that they existed hundreds maybe thousands of years with huge populations and there was no crime and no one went hungry. They are **of the land**.

Please consider your choices for clean water for the keiki of the future and not for the dollars that come in today yet will be swiftly gone tomorrow.

I apologize for the lateness of the submission of this testimony. I did not know I could submit testimony until Judge Amano stated anyone can submit written testimony. In reading the documents in the DLNR contested case library, I found that Cindy Freitas had submitted the pictures I saw last year. It was then that I told her of my experience and have put together my written testimony as quickly as possible. Mahalo nui for the consideration.

 10/28/2016

Susan Rosier
808susan@gmail.com

Exhibit S-18

Image: Heavy Equipment

Machinery

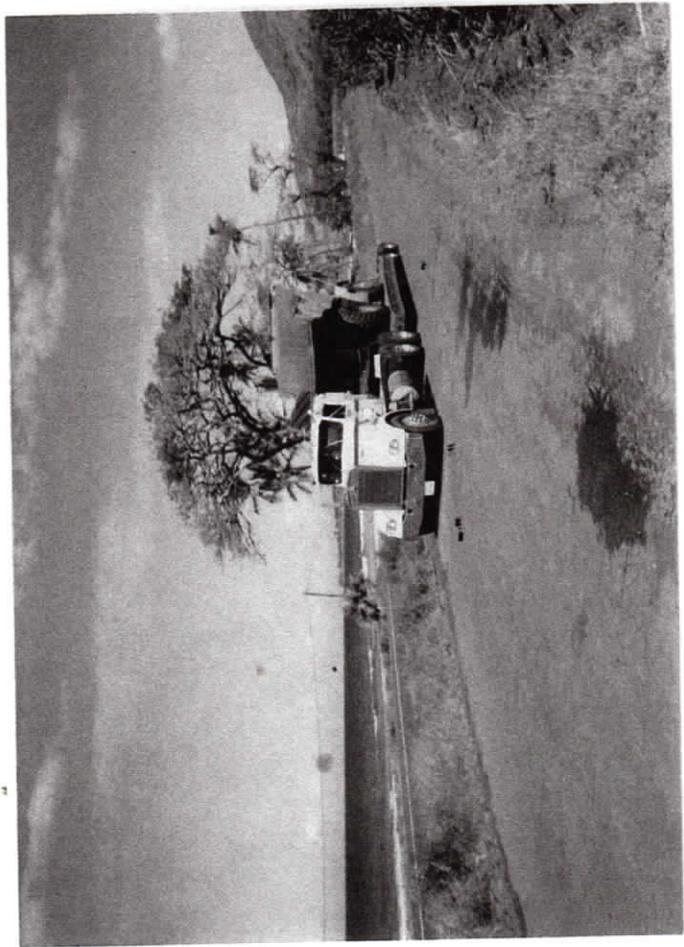
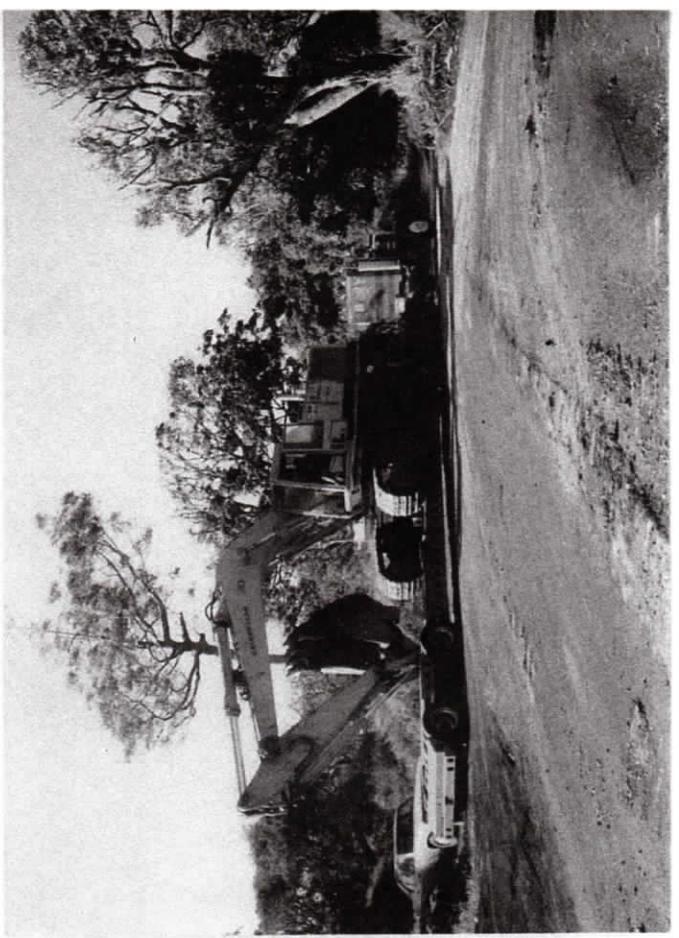


Exhibit S-19

Doc 391 Motion To Dismiss
Contested Case Hearing Re
Conservation Use Application

HA- 3568

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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation:) **MOTION TO DISMISS**
Use Application (CDUA) HA-3568 For the) **CONTESTED CASE HEARING**
Thirty Meter Telescope at the Mauna Kea) **RE CONSERVATION USE**
Science Reserve, Ka'ohē Mauka, Hamakua.) **APPLICATION HA-3568;**
Hawaii TMK(3)4-4-015:009) **MEMORANDUM IN**
) **SUPPORT;**
) **CERTIFICATE OF SERVICE**

MOTION TO DISMISS CONTESTED CASE HEARING RE
CONSERVATION USE APPLICATION HA-3568

I Cindy Freitas, "Petitioner" moves the Hearing Officer to Dismiss Contested Case Hearing Re Conservation Use Application HA-3538 pursuant to Hawaii Administration Rule 13-1-34.

Memorandum in Support for this motion.

Kailua Kona HI., October 18, 2016



Cindy Freitas Petitioner

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2016-Oct-18 11:40 am

S-19

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BOARD OF LAND AND NATURAL RESOURCES
FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation:) **MEMORANDUM IN**
Use Application (CDUA) HA-3568 For the) **SUPPORT FOR MOTION TO**
Thirty Meter Telescope at the Mauna Kea) **DISMISS CONTESTED CASE**
Science Reserve, Ka'ohē Mauka, Hamakua,) **HEARING RE CONSERVATION**
Hawaii TMK(3)4-4-015:009) **USE APPLICATION HA-3538;**
) **CERTIFICATE OF SERVICE**
)

MEMORANDUM IN SUPPORT FOR MOTION TO DISMISS
CONTESTED CASE HEARING RE CONSERVATION USE APPLICATION
HA-3538

I. INDRODUCTION

On October 17, 2016 the pre-hearing conference was schedule at the Hilo Naniloa Hotel at 93 Bayan Drive, Hilo, Hawaii'i from 10:00a.m. til 1:00p.m.

II. AUGUMENT

I Cindy Freitas, "Petitioner" and other parties attend this pre-hearing conference with many unresolved motions and reconsideration motions to move forward. But yet the evidentiary hearings are set to begin on October 20, 2016.

On October 14, 2016 at 3:30 p.m. Minute Order 36 [DOC 376] was posted in the Document Library (Exhibit 1) **ORDER VOIDING PERMIT** states:

Board now declares and affirms that conservation district use permit HA-3568 is void.

With this Minute Order DOC 376 voided, therefore this contested case "Lack Jurisdiction of Subject Matter" to set a claim. There is no claim in this Caption above ("IN THE MATTER OF"). See Mauna Kea Anaina Hou v. Board of Land and Natural Resources; 136 Hawai'i 376, 363 P. 3d 224 (2015) in which it vacated the Third Circuit Court's May 5, 2014 Decision and Order and Final Judgment thereon and remanded to circuit court to further remand to the Board of Land and Natural Resources ("BLNR") for proceedings consistent with the Supreme Court's opinion. The application needs to be refilled with the proper Applicant and proper signatures and the process started all over again, as required under the rules and the law, with the University of Hawaii ("UH") as the applicant and David Lassner's signature. (Exhibit 2)

With the evidentiary hearing set to begin all document that was submitted into the Document Library for this evidentiary hearing are based on the merits of the Conservation District Use Application ("CDUP"). As far as the sublease goes it should be void. Transcript ("Tr.") of Proceedings "Request for Admission and Motions" on June 17, 2016 before: Jean Marie McManus, CSR #156, stated by Mr. ING: "I definitely anticipate presenting witnesses and presenting evidence that go to the merits of the Conservation District Use Application". (Tr. of June 17, 2016 hearing at page 24: paragraph 9-12). (Exhibit 3)

Hawaii Administrative Rules ("HAR") 13-5-31, Permit Applications, provides, in pertinent part, as follows:

- (a) Applications for all permits and approvals provided for in this chapter shall be submitted to the department on the form prescribed by the department. The application shall contain:

- (1) A draft or final environmental assessment, draft or final environmental Impact statement, or proof of an exemption or request for an exemption

From the chapter 343, HRS, process, as applicable:

- (2) Associated plans such as location map, site plan, floor plan, Elevations, and landscaping plans drawn to scale;
- (3) The proposed land use shall address their relationship with county General plans and development plans;
- (4) Any other information as determined by the department;
- (5) **Signature of the landowner;**

- (b) For state and public lands, the State of Hawaii or government entity with Management control over the parcel shall sign as landowner...

HAR 13-5-34, Board Permits, provides, in pertinent part, as follows:

- (a) Applications for Board permits shall be submitted to the department in Accordance with section 13-5-31.
- (b) A public hearing, if applicable, shall be held in accordance with section **13-5-40**
...
- (d) Contested Case hearing, if applicable, and as required by law, shall be held As provided in chapter 13-1. The aggrieved appellant or person who has Demonstrated standing to contest the board action may request a contested Case hearing-pursuant to chapter 13-1.

III. CONCLUSION

Petitioner respectfully request that this Hearing Officer dismiss this case with good cause.

Kailua Kona HI. October 18, 2016



Cindy Freitas Petitioner

EXHIBIT 1

MINUTE ORDER NO. 36
DOC 376

BOARD OF LAND AND NATURAL RESOURCES

OFFICE OF LITIGATION
AND CONTESTED CASES

STATE OF HAWAII

2016 OCT 14 P 3:30

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'ohe Mauka, Hamakua, Hawaii'i)
TMK (3) 4-4-015:009)
)
)
)

Case No. BLNR-CC-16-002

**MINUTE ORDER NO. 36
(ORDER VOIDING
PERMIT); CERTIFICATE
OF SERVICE**

MINUTE ORDER NO. 36 (ORDER VOIDING PERMIT)

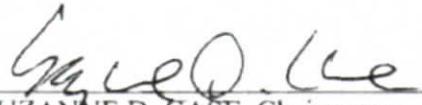
The Hawaii'i Supreme Court recently issued its decision in *Kilakila 'O Haleakala v. Bd. of Land & Nat. Res.*, SCWC-13-0003065, 2016 WL 584921 (Haw. October 6, 2016). *Kilakila* concerned a conservation district use permit for construction of the Advanced Technology Solar Telescope on the island of Maui, at the summit of Haleakala. *Kilakila* makes it clear that voiding the permit that was approved by the Board of Land and Natural Resources (Board) prior to holding a contested case hearing is an important factor in meeting procedural due process requirements.

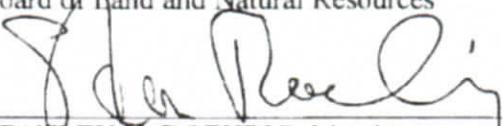
Following the Hawaii'i Supreme Court's decision in *Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res.*, 136 Hawaii'i 376, 399, 363 P.3d 224, 247 (2015), the Board initiated a new contested case hearing with the understanding that conservation district use permit HA-3568, approved by the Board in February 2011, before the contested case hearing, and in April 2013, after the contested case hearing, was voided by the Supreme Court in its decision. No party has ever claimed that the permit is not void. However, in an over abundance of caution and to make sure the record is clear, the Board now declares and affirms that conservation district use permit HA-3568 is void.

EXHIBIT 1

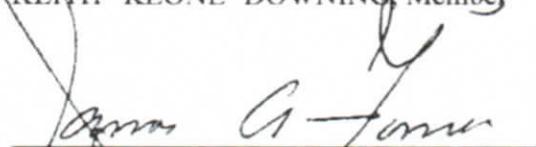
This order may be executed in counterparts.

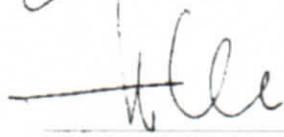
DATED: Honolulu, Hawai'i, October __, 2016.


SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources

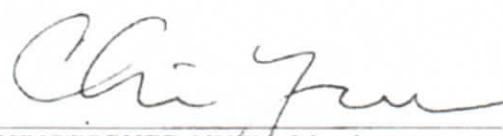

STANLEY H. ROHRIG, Member


KENNETH "KEONE" DOWNING, Member


JAMES A. GOMES, Member


THOMAS OI, Member


SAMUEL "OHU" GON III, Member


CHRISTOPHER YUEN, Member

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'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title:
Minute Order 36

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Minute Order 36 was served upon the following parties by the means indicated on October 14, 2016:

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Moses Kealamakia Jr.
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Witness for the Hearing Officer

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

Signature: 
Name: Michael Cain
Date: October 14, 2016

EXHIBIT 2

CONSERVATION DISTRICT USE PERMIT APPLICATION

**CONSERVATION DISTRICT USE
PERMIT APPLICATION**

Thirty Meter Telescope Project

Island of Hawai'i

**Applicant:
University of Hawai'i at Hilo**

EXHIBIT 2

Conservation District Use Application (CDUA)

For DLNR Use	
File #	
Reviewed by	
Date	
Accepted by	
Date	
180-Day Exp. EA/EIS Required	
PH Required	
Decision	
Date	

Project Location/Address: Mauna Kea Loop Road

District/County: Hāmākua District Island: Hawai'i

Subzone: Resource Tax Map Key(s): 4-4-15:9 - Mauna Kea Science Reserve

Subzone: _____ Tax Map Key(s): _____

Total Area of Parcel in sq. ft. or acres: 11,288 acres Area of Proposed Use in sq. ft. or acres: 8.7 acres

Indicate which of the following approvals are being sought, as specified in the Hawaii Administrative Rules (HAR), Chapter 13-5.

- Board Permit
- Departmental Permit
- Emergency Permit
- Temporary Permit
- Site Plan Approval

APPLICANT

Legal Name: University of Hawai'i c/o of University of Hawaii at Hilo

Street Address: 200 West Kawili Street

City, State and Zip+4 Code: Hilo, HI 96720

Contact Person & Title: Dr. Donald Straney, Chancellor

Phone No.: 808-974-7444 Fax No.: 808-933-3304

Email: dstraney@hawaii.edu
Interest in Property: General Lease No. S-4191 covering TMK 4-4-15:9
*Signature: Donald D. Straney Date: SEP - 2 2010
*If for a Corporation, Partnership, Agency or Organization, must be signed by an authorized officer.

PROPERTY OWNER(S)

(if other than the applicant)

Name: State of Hawai'i
Street Address: 1151 Punchbowl Street, Room 130
City, State and Zip+4 Code: Honolulu, HI 96813
Contact Person & Title: Laura Thielen, Chairperson, Board of Land and Natural Resources
Phone No.: (808) 587-0400 Fax No.: (808) 587-0390
Email: _____
*Signature: _____ Date: _____
*For private lands with multiple landowners, landowners whose property interests constitute or exceed 85% of the fee ownership of the subject parcel(s) shall sign the application.

AGENT

Name: None
Street Address: _____
City, State and Zip+4 Code: _____
Contact Person & Title: _____
Phone No.: _____ Fax No.: _____
Email: _____
Signature: _____ Date: _____

Emergency Contact Information

Contact Person and Title: _____ Phone No.: _____

EXHIBIT 3

REQUEST FOR ADMISSION
AND MOTION

TRANSCRIPT FOR
JUNE 17, 2016

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BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

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

REQUEST FOR ADMISSION AND MOTIONS

Held on June 17, 2016, commencing at 10:00 a.m. at
the Hilo State Office, Conference Rooms A, B and C,
75 Aupuni Street, Hilo, Hawaii 96720.

BEFORE: Jean Marie McManus, CSR #156

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APPEARANCES:

JUDGE RIKI MAY AMANO, Hearing Officer

JULIE CHINA, Deputy Attorney General
WILLIAM WYNHOFF, Deputy Attorney General

STEPHEN MICHAEL CAIN, Staff Planner

TIM LUI-KWON, ESQ.
JOHN P. MANAUT, ESQ.
IAN L. SANDISON, ESQ.
Attorneys for University of Hawaii

RICHARD N. WURDEMAN, ESQ.
Attorney for Mauna Kea Anaina Hou, et al

1 the EIS that was done in 2008/2009 that a larger
2 entity would be formed and it would likely include
3 governments of Japan, China, India and Canada.
4 That's been disclosed from day one.

5 HEARING OFFICER AMANO: So do you
6 anticipate that with this new hearing there would be
7 additional information that you would be adding to
8 the hearing?

9 MR. ING: I definitely anticipate
10 presenting witnesses and presenting evidence that go
11 to the merits of the Conservation District Use
12 Application.

13 HEARING OFFICER AMANO: I guess what I'm
14 asking is, how is your participation different from
15 UH Hilo's?

16 MR. ING: Well, while UH Hilo is the
17 Applicant, they control the process. They have a
18 seat at table. TIO does not. But we have most at
19 stake in the outcome of this proceeding.

20 HEARING OFFICER AMANO: But you didn't have
21 a seat at table at the first hearing.

22 MR. ING: We did not, but that's largely
23 because the custom and practice of the department at
24 that time was to have the University prepare and file
25 the application, because they hold the master lease

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

BLNR Contested Case HA-16-02
Document title:

CERTIFICATE OF SERVICE

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

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Co-Counsel for Petitioner
KAHEA: The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

Signature:  TAC
Name: Candy Freitas
Date: 11/1/16