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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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

Case No. BLNR-CC-16-002

[PROPOSED] MINUTE ORDER NO. ____ DENYING SHELLEY STEPHENS MOTION TO BE A PARTY TO THE TMT CASE [DOC. 420]; CERTIFICATE OF SERVICE

[PROPOSED] MINUTE ORDER NO. ____ DENYING SHELLEY STEPHENS MOTION TO BE A PARTY IN THE TMT CASE [DOC. 420]

On December 12, 2016, a hearing on Shelley Stephens' ("**Stephens**") *Motion to be a Party in the TMT Case* [Doc. 420], filed on December 7, 2016 ("**Renewed Motion**"), was held in Hilo, Hawai'i at the Grand Nanihoa Hotel, 93 Banyan Drive.

The following persons were present:

Timothy Lui-Kwan, Esq. and Ian Sandison, Esq., for the University of Hawai'i-Hilo ("**UH-Hilo**").

Deborah Ward

Kealoha Pisciotto, in her individual capacity and for Mauna Kea Anaina Hou ("**MKAH**"), with Paul Neves and Keomailani Van Gogh.

Clarence Kukauakahi Ching
 Harry Fergerstrom
 E. Kalani Flores, for the Flores-Case Ohana
 Ross Shinyama, Esq. for TMT International Observatory, LLC. (“TIO”).
 Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities Inc. (“PUEO”).
 Kalikolehua Kanaele
 Dexter Kaiama, Esq. for The Hawaiian-Environmental Alliance (“KAHEA”).
 Lanny Alan Sinkin for Lono Temple with Kahuna Nobriga
 Mehana Kihoi
 Cindy Freitas
 Dwight J. Vicente
 Shelley Stephens
 Tiffnie Kakalia
 Wilma Holi (witness)

In relation to the Renewed Motion, the following documents were considered:

Doc. No.	Title	Date	Counsel/Party
423	The University of Hawaii at Hilo’s opposition to Shelley Stephens’ Motion to be a Party to the TMT Case [Doc. 420]; COS; Amended COS	12/09/16	UH-Hilo
425	TMT International Observatory, LLC’s joinder to UH-Hilo’s opposition to Shelley Stephens Motion to be Admitted as a Party to the CCH	12/11/16	TIO

Stephens again seeks to be admitted as a party in the contested case. The Hearing Officer had previously set May 31, 2016 as the submission deadline for requests to intervene. Stephens submitted a letter on June 3, 2016, which offered comments on the proceedings, but did not request to intervene as a party. On August 17, 2016, Stephens filed a *Request to be Part of the Contested Case Hearing* [Doc. 213] (“**Motion**”), but subsequently failed to appear during the hearing on the Motion and the Motion was denied. The Renewed Motion was filed approximately four months later on December 7, 2016, during which time the contested case proceedings had already begun and several weeks of evidentiary hearings had already elapsed.

The Renewed 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 by the Hearing Officer, and for good cause shown, the Hearing Officer finds that the Motion is untimely and does not state an adequate basis to admit Shelley Stephens as a party to this contested case proceeding.

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 **five business days after the filing of the Minute Order.**

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

Judge Riki May Amano (Ret.)
Hearing Officer

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Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

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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, December 14, 2016.



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