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TMT INTERNATIONAL OBSERVATORY, LLC

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF

A Contested Case Hearing Re Conservation
District Use Permit (CDUP) HA-3568 for the
Thirty Meter Telescope at the Mauna Kea
Science Reserve, Kahohe Mauka, Hamakua
District, Island of Hawaii,
TMK (3) 4-4-015:009

CASE NO. BLNR-CC-16-002

PROPOSED MINUTE ORDER NO. _____
(ORDER DENYING MOTION TO BRING
ON REBUTTAL WITNESS ON BEHALF
OF KEALOHA PISCIOTTA AND MAUNA
KEA ANAINA HOU FILED ON
FEBRUARY 13, 2017 (DOC NO. 462));
CERTIFICATE OF SERVICE

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

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OFFICE OF CONSERVATION
AND COASTAL LANDS

**PROPOSED MINUTE ORDER NO.
 (ORDER DENYING MOTION TO BRING ON
 REBUTTAL WITNESS ON BEHALF OF KEALOHA PISCIOTTA AND
 MAUNA KEA ANAINA HOU FILED ON FEBRUARY 13, 2017 (DOC. NO. 462))**

On February 21, 2017, the “Motion to Bring on Rebuttal Witness[es] on behalf of Kealoha Pisciotta and Mauna Kea Anaina Hou” filed on February 13, 2017 (Doc. No. 462) (the “Motion”), was heard in Hilo, Hawai’i, at the Grand Naniloa Hotel, Crown Room, 93 Banyan Drive. The following persons were present at the hearing on the Motion:

- Ian Sandison, Esq. and John Pete Manaut, Esq.; Attorneys for the University of Hawai’i at Hilo
- Kealoha Pisciotta, for herself, Mauna Kea Anaina Hou, and Paul K. Neves
- Dexter Kaiama, Esq. for KAHEA: The Environmental Alliance
- Clarence Kūkauakahi Ching
- Harry Fergerstrom
- J. Douglas Ing, Esq. and Jeffrey T. Ono, Esq.; Attorneys for TMT International Observatory, LLC
- Vaughn Cook, Esq.; Attorney for Perpetuating Unique Educational Opportunities;
- Mehana Kihoi, for herself, and Leina’ala Sleightholm
- Dwight Vicente
- Cindy Freitas
- William Freitas

In addition to the Motion, the following written submissions were considered:

<u>DOC.</u>	<u>TITLE</u>	<u>PARTY</u>
467	KAHEA: The Environmental Alliance’s Joinder in Motion to Bring Rebuttal Witness on Behalf of Kealoha Pisciotta and Mauna Kea Anaina Hou filed February 13, 2017	KAHEA: The Environmental Alliance
468	TMT International Observatory, LLC’s Memorandum in Opposition to “Motion to Bring on Rebuttal Witness[es] on Behalf of Kealoha Pisciotta and Mauna Kea Anaina Hou” [Doc-462]	TMT International Observatory, LLC
470	The University of Hawai’i at Hilo’s Joinder to TMT International Observatory, LLC’s Opposition to Kealoha Pisciotta and Mauna Kea Anaina Hou’s Motion to Bring on Rebuttal Witness on Behalf of Kealoha Pisciotta and Mauna Kea Anaina Hou, dated February 13, 2017	University of Hawai’i at Hilo

Based on the Motion, the written submissions, the oral argument presented at the hearing on the Motion, and the entire records and files herein, the Hearing Officer finds that the rebuttal testimony of Kupuna Liko Martin and Mr. Tom Peek would be cumulative in nature, immaterial, and that no good cause has been shown as to why these witnesses were not presented during Ms. Pisciotta and Mauna Kea Anaina Hou's case in chief.

In addition, to the extent Kupuna Liko Martin and Mr. Tom Peek watched the contested case proceeding and wished to contest what other witnesses said, and therefore requested to be a rebuttal witness, the Hearing Officer finds that this is not a basis to allow the rebuttal testimony.

IT IS HEREBY ORDERED that the Motion is DENIED.

DATED: Honolulu, Hawaii, _____.

Judge Riki May Amano (Ret.)
Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES
FOR THE STATE OF HAWAII

IN THE MATTER OF

A Contested Case Hearing Re Conservation
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015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

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The undersigned hereby certifies that the foregoing document was served upon the
following parties by the means indicated:

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DATED: Honolulu, Hawaii, February 24, 2017.



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