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KAHEA: THE HAWAIIAN ENVIRONMENTAL ALLIANCE,
a domestic non-profit Corporation, Petitioner

BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

In the Matter of:	)	Case No. BLNR-CC-16-002
A Contested Case Hearing Re)	
Conservation District Use Application	)	PROPOSED ORDER GRANTING
(CDUA) HA-3568 for the Thirty Meter	)	KAHEA: THE ENVIRONMENTAL
Telescope at the Mauna Kea Science	)	ALLIANCE'S MOTION TO PERMIT
Reserve, Ka'ohe, Hamakua District,	)	LIVE TESTIMONY OF REBUTTAL
Island of Hawai'i, TMK (3) 4-4-015:009	)	WITNESS BRIAN CRUZ FILED
	)	FEBRUARY 13, 2017
)	
	)	<u>HEARING:</u>
	)	Date: February 21, 2017
	)	Time: 9:00 a.m.
)	
	)	HEARING OFFICER: Hon. Riki May
	)	Amano (Ret.)

PROPOSED ORDER GRANTING KAHEA: THE ENVIRONMENTAL
ALLIANCE'S MOTION TO PERMIT LIVE TESTIMONY OF
REBUTTAL WITNESS BRIAN CRUZ FILED FEBRUARY 13, 2017

By and through its co-counsel Yuklin Aluli and Dexter K. Kaiama, KAHEA: The Hawaiian Environmental Alliance's Motion to Permit the Live Testimony of Rebuttal Witness Brian Cruz, having been filed on or about February 13, 2017 in these proceedings, came on for hearing before the Honorable Hearings Officer Rikki May

Amano on Tuesday, February 21, 2017 at 9:00 a.m. Present at the hearing were the following parties: Dexter K. Kaiama, on behalf of KAHEA, Ian L. Sandison and John P. Manaut for University of Hawai'i at Hilo, Douglas Ing and John Ono for TMT International Observatory, LLC, Vaughn Cook for Perpetuating Unique Educational Opportunities and Petitioners Clarence Kukauakahi Ching, Kealoha Pisciotta for herself, Mauna Kea Anaina Hou and Paul Neves, Mehana Kihoi, Harry Fergerstrom, and Dwight Vicente.

Documents lodged into these proceeding (Mauna Kea Documents Library) and considered by Hearings Office Amano, as part of KAHEA's instant motion were Documents No. 459 (filed by KAHEA) and 469 (UH Hilo's Opposition).

Notwithstanding the noted appearances of the parties and petitioners, argument and representations on said motion were limited to counsel for KAHEA, as movant (Document No. 459), and counsel for UH Hilo in opposition (Document No. 469).

Having considered the relevant pleadings and documents and the representations of counsel for KAHEA and UH Hilo and for good cause shown:

KAHEA's Motion to Permit the Live Testimony of Rebuttal Witness Brian Cruz is HEREBY GRANTED with the following limitation:

1. Brian Cruz's authorship and/or personal direct knowledge of and related to the Preliminary Draft CIA, and the Cultural Impact Assessments incorporated in the Draft Environmental Impact Statement and the Final Environmental Impact Statement (KAHEA Exhibits B.44, B. 45 and B.57, UH Hilo Exhibits A-002 through A-005 and MK Hui Exhibits B.31 through B.34); and

2. Mr. Brian Cruz is to appear and provide live testimony and be available for cross-examination and re-direct examination by parties to these proceedings on Tuesday, February 28, 2017 at 9:00 a.m.

DATED: Hilo, Hawaii, _____.

Honorable Rikki May Amano, Hearings Officer

APPROVED AS TO FORM:

Ian L. Sandison
John P. Manaut
Attorneys for
University of Hawai'i at Hilo