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

Case No. BLNR-CC-16-002

[PROPOSED] MINUTE ORDER NO. _____ GRANTING-IN PART
APPLICANT UNIVERSITY OF HAWAI'I
AT HILO'S MOTION FOR LEAVE TO
PRESENT REBUTTAL TESTIMONY,
FILED FEBRUARY 13, 2017 [DOC. 461];
CERTIFICATE OF SERVICE

[PROPOSED] MINUTE ORDER NO. _____ GRANTING-IN-PART
APPLICANT UNIVERSITY OF HAWAI'I AT HILO'S MOTION FOR LEAVE TO
PRESENT REBUTTAL TESTIMONY, FILED FEBRUARY 13, 2017 [DOC. 461]

On February 13, 2017, Applicant University of Hawai'i at Hilo ("University") filed its *Motion for Leave to Present Rebuttal Testimony* [Doc. 461] ("Motion"). On February 16, 2017, Flores-Case 'Ohana ("Flores-Case") filed its *Response to Applicant University of Hawai'i at Hilo's Motion for Leave to Present Rebuttal Testimony* [Doc. 465] ("Response"). On February 17, 2017, KAHEA: The Hawaiian Environmental Alliance ("KAHEA") filed its *Response and Partial Joinder in Flores-Case Ohana's Response to Applicant University of Hawaii at Hilo's*

Motion for Leave to Present Rebuttal Testimony Filed February 13, 2017, Filed (On or About) February 16, 2017 [Doc. 466] (“**Joinder**”). No other pleadings were filed concerning the Motion or Response.

On February 21, 2017, the Motion, Response, and Joinder came on for hearing in Hilo, Hawai‘i at the Grand Naniloa Hotel, 93 Banyan Drive. The following parties and/or party representatives entered appearances on February 21, 2017:

John P. Manaut, Esq. and Ian L. Sandison, Esq., for the University;
Harry Fergerstrom;
Kealoha Pisciotta, in her individual capacity and for Mauna Kea Anaina Hou and Paul Neves (“**MKAH**”);
Clarence Kukauakahi Ching;
Dexter Kaiama, Esq. for KAHEA
J. Douglas Ing, Esq. and Jeff Ono, Esq. for TMT International Observatory, LLC (“**TIO**”);
Vaughn Cook, Esq. for Perpetuating Unique Educational Opportunities Inc. (“**PUEO**”) with Richard Ha and Elroy Osorio;
Lanny Sinkin for the Temple of Lono;
Mehana Kihoi in her individual capacity and for Leina‘ala Sleightholm;
Dwight J. Vicente;
Cindy Freitas; and
William Freitas.

At the hearing, oral argument was made by Ian L. Sandison, Esq., for the University and Dexter Kaiama, Esq., for KAHEA. No appearances or argument were made by Flores-Case. The University did not oppose limiting the scope of Dr. Collins’s testimony as proposed by Flores-Case in its Response. KAHEA did not object to Dr. Collins’s testimony, subject to those limitations.

Having duly considered the Motion, the Response, the Joinder, all related oral submissions, the Proposed Minute Order and all submissions related thereto, all applicable law, and the entire record herein, and for good cause shown, the Hearing Officer finds that the

proposed testimony of Sara Collins or Dennis Gosser, subject to the limitations identified in the Response, is relevant and/or material to these proceedings. As such,

IT IS HEREBY ORDERED that the Motion is GRANTED-IN-PART, and the Response and Joinder are GRANTED. Accordingly, the University may present the rebuttal testimony of either Dr. Collins or Mr. Gosser on the following subject matter:

(1) Adherence to the archaeological and cultural review processes as it pertains to PCSI's own documents, Archaeological Inventory Survey of the Astronomy Precinct in the Mauna Kea Science Reserve included as Appendix I to Volume 3 of the Thirty-Meter Telescope Final Environmental Impact Statement (Exhibit A-5 in this proceeding);

(2) The credibility of PCSI's own archaeological document(s); and

(3) PCSI's role and contribution to the Conservation District Use Application HA-3568.

In the event that Dr. Collins is unavailable to testify, Mr. Dennis Gosser will be permitted to testify in her place.

DATED: Honolulu, Hawai'i, February __, 2017.

Judge Riki May Amano (Ret.)
Hearing Officer

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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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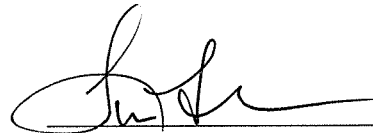
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DATED: Honolulu, Hawai'i, February 24 2017.



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