

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF	)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District	)	Minute Order No. 45
Use Application (CDUA) HA-3568 For the	)	(Order Granting In Part/Denying
Thirty Meter Telescope at the Mauna Kea Science	)	In Part Petitioners Mauna Kea
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i	)	Anaina Hou, et al.'s Request for
TMK (3) 4-4-015:009	)	Further Status Conference and/or
	)	Consideration of Proposed
	)	Scheduling (Doc. 254); and Related
	)	Doc. Nos. 257, 258, 259, 261, 294,
	)	296 & 298)
)	
	)	Certificate of Service

MINUTE ORDER NO. 45

**(Order Granting In Part/Denying In Part Petitioners Mauna
Kea Anaina Hou, et al.'s Request for Further Status
Conference and/or Consideration of Proposed Scheduling Doc.
254); Related Doc. Nos. 257, 258, 259, 261, 294, 296 & 298)**

On October 3, 2016, a Fifth Pre-Hearing Conference was held at the Grand Naniloa
Hotel, Crown Room; 93 Banyan Drive, Hilo, Hawai`i. The following persons were present:

Richard N. Wurdeman, Esq. for Mauna Kea Anaina Hou, for and with Kealoha
Pisciotta, Keomailani Von Gogh, Deborah Ward, Clarence Ching and E.
Kalani Flores;

Timothy Lui-Kwan, Esq., and Ian Sandison, Esq., for the University of Hawai`i-
Hilo ("UH-Hilo"), with and for David Lonborg;

J. Douglas Ing, Esq. and Ross Shinyama, Esq. for TMT International
Observatory, LLC. ("TIO")

Harry Fergerson

Mehana Kihoi

Lincoln Ashida, Esq. for Perpetuating Unique Educational Opportunities, Inc.
("PUEO"), and with Keahi Warfield, President of PUEO

Jennifer Leina`ala Sleightholm

Lanny Sinkin, Temple of Lono

Tiffnie Kakalia

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 May 2 8:07 am

Dwight J. Vicente
 Brannon Kealoha
 Cindy Freitas
 William Freitas
 Hearing Officer Witness Wilma Holi

Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Scheduling (Doc. 254) ("Request"), filed on September 8, 2016, and related Document Nos. 257, 258, 259, 261, 294, 296 & 298 described below, were addressed.

DOC.	FILE DATE	TITLE	COUNSEL/PARTY
257	9/11/16	Memorandum in Support of Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Scheduling	Fergerstrom
258	9/12/16	Memorandum in Support of Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Schdeduling (sic)	W. Freitas
259	9/12/16	Memorandum in Support of Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Schdeduling (sic)	C. Freitas
261	9/14/16	Amendment to Memorandum in Support of Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Schdeduling (sic) Doc 254	Kihoi
294	9/30/16	The University of Hawai'i at Hilo's Objection to Memorandum in Support of Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Scheduling, filed September 8, 2016 [Doc. 254]; Exhibits 1-3	University of Hawai'i at Hilo
296	10/3/16	Temple of Lono Support for Petitioners Mauna Kea Anaina Hou, et al.'s Request for Further Status Conference and/or Consideration of Proposed Scheduling Filed September 8, 2016[Doc-254]	Temple of Lono
298*	10/3/16	Motion to Join Richard Wurdeman Request for Further Status Conference and/or Consideration Rescheduling *Misnumbered in Document Library as Doc. 299	Kalikolehua Kanaele

To the extent that the Request and related documents sought a conference to discuss scheduling of the contested case hearing, the October 3rd hearing satisfied those requests. To the extent that the Request and related documents sought scheduling and deadlines for the contested case hearing, the resulting schedule and deadlines established at the October 3rd hearing satisfied those requests. To the extent that the Request and related documents sought a specific schedule and deadlines similar to one that was set in the previous contested case hearing of this case, those requests were denied in favor of the schedule and deadlines established on October 3rd.

Based upon the Request, all related and oral submissions from counsels and/or parties, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Request is GRANTED IN PART AND DENIED IN PART.

Motion to Reconsider. A party, who believes it appropriate, may file a motion to reconsider using the procedure set out herein. Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992).

The deadline for submission of any **motion** to reconsider this minute order is no later than **5 business days** after the date this Minute Order is filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **10 business days** after this order is filed in the Documents Library; essentially 5 business days after the deadline for motions to reconsider.

Any Motion to Reconsider shall be considered a non-hearing motion unless otherwise designated by the Hearing Officer.

DATED: Honolulu, Hawai`i, May 1, 2017_____.

A handwritten signature in black ink, appearing to be 'RMA', written over a horizontal line.

Judge Riki May Amano (Ret.)
Hearing Officer

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

BLNR Contested Case HA-16-02
Document title: **Minute Order 45**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by email (when indicated) on May 2, 2017 and by regular mail on May 3, 2017:

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Signature: 
Name: Michael Cain, Custodian of the Records
Date: May 2 2017