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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

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

**PROOF OF SERVICE RE: TMT
INTERNATIONAL OBSERVATORY,
LLC'S MOTION FOR CLARIFICATION
OR, IN THE ALTERNATIVE,
RECONSIDERATION RE: MINUTE
ORDER NO. 44 [DOC. NO. 553], FILED
4/24/17 [DOC. NO. 555]; DECLARATION
OF ROSS T. SHINYAMA, ESQ.; EXHIBITS
"1"- "4"; CERTIFICATE OF SERVICE**

**PROOF OF SERVICE RE: TMT INTERNATIONAL OBSERVATORY, LLC'S
MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE, RECONSIDERATION
RE: MINUTE ORDER NO. 44 [DOC. NO. 553], FILED 4/24/17 [DOC. NO. 555]**

On April, 24, 2017, TMT International Observatory, LLC's Motion for Clarification or,
in the Alternative, Reconsideration Re: Minute Order No. 44 [Doc. No. 553] ("Motion for
Clarification") was uploaded to the Documents Library as Doc. No. 555. Per the Certificate of

RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

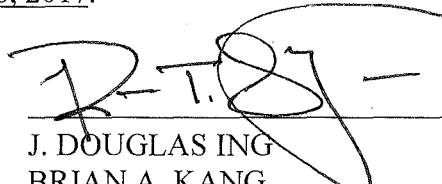
2017 MAY -8 A 11:04

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Service attached thereto, the Motion for Clarification was e-mailed and mailed via United States Certified Mail, return receipt requested, to Hearing Officer Witnesses Moses Kealamakia, Jr., Ivy McIntosh, and Crystal West (collectively, the "Hearing Officer Witnesses").

The e-mail serving the Hearing Officer Witnesses with the Motion for Clarification was sent on April 24, 2017 and is attached as Exhibit "1" to the Declaration of Ross T. Shinyama ("Shinyama Dec."). The Motion for Clarification was also delivered via United States Certified Mail, return receipt requested, to Kealamakia on April 29, 2017; McIntosh on April 27, 2017; and West on April 29, 2017. See Exhibit "2" (Kealamakia); "3" (McIntosh) and "4" (West) to the Shinyama Dec.

DATED: Honolulu, Hawaii, May 8, 2017.



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ROSS T. SHINYAMA
SUMMER H. KAIWE
**Attorneys for TMT INTERNATIONAL
OBSERVATORY LLC**

BOARD OF LAND AND NATURAL RESOURCES

FOR THE 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

DECLARATION OF ROSS T. SHINYAMA,
ESQ.; EXHIBITS "1"- "4"

DECLARATION OF ROSS T. SHINYAMA, ESQ.

I, ROSS T. SHINYAMA, hereby declare and state as follows:

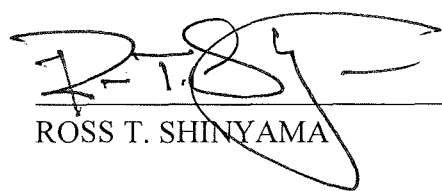
1. I am an attorney licensed to practice law in the State of Hawaii and am one of the attorneys representing TMT International Observatory LLC in the above-captioned proceeding.
2. I make this Declaration based upon my personal knowledge and upon reliance of the files and records maintained by my office and in the normal and regular course of business.
3. Exhibit "1" attached hereto is a true and correct copy of the April 24, 2017 e-mail from Ellen Yamamoto of my office to, among others, Hearing Officer Witnesses Moses Kealamakia, Jr., Ivy McIntosh, and Crystal West.
4. Exhibit "2" attached hereto is a true and correct copy of the Certified Mail, return receipt evidencing delivery of the Motion for Clarification on Hearing Officer Witness Moses Kealamakia, Jr. on April 29, 2017.

5. Exhibit "3" attached hereto is a true and correct copy of the Certified Mail, return receipt evidencing delivery of the Motion for Clarification on Hearing Officer Witness Ivy McIntosh on April 27, 2017.

6. Exhibit "4" attached hereto is a true and correct copy of the Certified Mail, return receipt evidencing delivery of the Motion for Clarification on Hearing Officer Witness Crystal West on April 29, 2017

I, ROSS T. SHINYAMA, declare under penalty of law that the foregoing is true and correct to the best of my knowledge and belief.

DATED: Honolulu, Hawaii, May 8, 2017.



ROSS T. SHINYAMA

Ross T. Shinyama

From: Ellen A. Yamamoto
Sent: Monday, April 24, 2017 3:49 PM
To: B. Pualani Case; Bianca Isaki; Brannon Kamahana Kealoha; Brian A. Kang; C.M. Kaho'okahi Kanuha ; Charlene M. Moriwaki; Cindy Freitas; Clarence Kukauakahi Ching; Crystal F. West; Deborah J. Ward; Denise H. Kameda; Dexter K. Kaiama, Esq.; Dwight Vicente; Flores-Case Ohana - E. Kalani Flores; Frances M. Soares; Glen Kila; Harry Fergerstrom (hankhawaiian@yahoo.com); Ian Sandison; Ivy McIntosh; J. Douglas Ing; J. Leina'ala Sleightholm; Jeffrey T. Ono; John P. Manaut; Joseph Kualii Lindsey Camara; Kealoha Pisciotta and Mauna Kea Anaina Hou; Lanny Alan Sinkin; Lincoln S.T. Ashida; Lindsay N. McAneeley; Maelani Lee; Mehana Kihoi; Michael Cain (Office of Conservation & Coastal Lands); Moses Kealamakia, Jr.; Newton J. Chu; Patricia Ikeda; Paul K. Neves; Ross T. Shinyama; Stephanie-Malia Tabbada; Summer H. Kaiawe; Tiffnie Kakalia; Tim Lui-Kwan; Tracey S. Lane; William Freitas; Wilma Holi; Yuklin Aluli, Esq.
Subject: TMT/BLNR - Tio Filing
Attachments: 2017-03-24 TIO Motion for Clarification, Reconsideration of Minute Order No. 44 (Doc 553).pdf

All Recipients:



Attached for your record is a filed copy of TIO'S Motion for Clarification OR, in the Alternative, Reconsideration Re: Minute Order No. 44 (Doc No. 553).



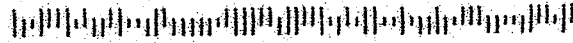
Thank you
Ellen


Ellen Yamamoto
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www.wik.com
Tel: (808) 544-8300
Fax: (808) 544-8398
Email: eyamamoto@wik.com



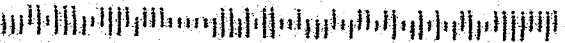
CONFIDENTIALITY NOTE: This transmission and the information contained in this transmission is private and confidential and is only intended to be sent to and received and used by the individuals or entities designated above. If the reader of this transmission is not the intended recipient, you are hereby notified that this transmission and its contents are proprietary to and the exclusive property of the sender's company, and that any use, dissemination, distribution, or copy of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the sender by e-mail, and return the original transmission to the sender at the address above or destroy or delete said transmission. Thank You!

EXHIBIT "1"



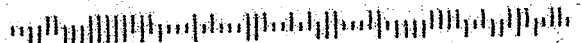
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>Moses Kealamakia Jr. 1059 Puku Street Hilo, HI 96720</p>  <p>9590 9402 2211 6193 3879 93</p>	<p>B. Received by (Printed Name) Moses Kealamakia Jr.</p> <p>C. Date of Delivery 4-29-17</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 1268 3460</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

<p>USPS TRACKING # </p> <p>9590 9402 2211 6193 3879 93</p>		<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>
<p>United States Postal Service</p>	<p>• Sender: Please print your name, address, and ZIP+4® in this box•</p> <p style="text-align: center;">ROSS T. SHINYAMA WATANABE ING LLP 999 BISHOP STREET, SUITE 1250 HONOLULU, HAWAII 96813</p>	
		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent</p> <p><i>Ivy McIntosh</i> <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Ivy McIntosh</i> <i>4/2/11</i></p> <p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>Ivy McIntosh 67-1236 Panale'a Street Kamuela, HI 96743</p>	
 9590 9402 2211 6193 3880 06	<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 1268 3453</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

<p>USPS TRACKING #</p>		<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>
 9590 9402 2211 6193 3880 06		
<p>United States Postal Service</p>	<p>• Sender: Please print your name, address, and ZIP+4® in this box•</p> <p>ROSS T. SHINYAMA WATANABE ING LLP 999 BISHOP STREET, SUITE 1250 HONOLULU, HAWAII 96813</p>	
<p>SCANNED</p>	<p>APR 29 2017</p> 	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Crystal West</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>Crystal West</i> <i>4-29-17</i></p>
<p>1. Article Addressed to:</p> <p>Crystal West P.O. Box 193 Kapaa, HI 96755</p>  <p>9590 9402 2211 6193 3879 86</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p> <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 1370 0001 1268 3477</p>	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>	

<p>USPS TRACKING# HONOLULU</p>  <p>9590 9402 2211 6193 3879 86</p>		<p>First-Class Mail Postage & Fees Paid USPS Permit No. G-10</p>
<p>United States Postal Service</p>	<p>• Sender: Please print your name, address, and ZIP+4® in this box•</p> <p>ROSS T. SHINYAMA WATANABE ING LLP 999 BISHOP STREET, SUITE 1250 HONOLULU, HAWAII 96813</p>	
<p>SCANNED</p>	<p>MAY 1 2017</p> 	

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation
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Kea Science Reserve, Ka'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

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

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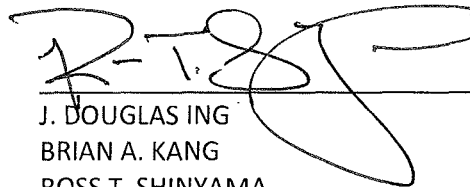
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KAHEA: The Hawaiian
Environmental Alliance, a domestic
non-profit Corporation

DATED: Honolulu, Hawaii, May 8, 2017.



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ROSS T. SHINYAMA
SUMMER H. KAIawe
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