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BOARD OF LAND AND NATURAL RESOURCES

2017 MAY 26 P 12:04

STATE OF HAWAI'I

DEPT. OF LAND &
NATURAL RESOURCES
BLNR-OC-16-002

| | | |
|---|---|----------------------------|
| IN THE MATTER OF |) | CASE NO. BLNR-OC-16-002 |
| |) | |
| Contested Case Hearing Re Conservation District |) | MINUTE ORDER NO. 52 |
| Use Application (CDUA) HA-3568 for the |) | (ORDER DENYING PROTECTOR/ |
| Thirty Meter Telescope at the Mauna Kea Science |) | PARTIES' PETITION FOR |
| Reserve, Ka'oho Mauka, Hamakua, Hawai'i |) | DECLARATORY JUDGMENT |
| TMK (3) 4-4-015:009 |) | AND MOTION TO VACATE |
| |) | MINUTE ORDER 43, FILED MAY |
| |) | 11, 2017 [DOC. 629], AND |
| |) | RELATED DOCUMENT [DOC. |
| |) | 636]); CERTIFICATE OF |
| |) | SERVICE |

MINUTE ORDER NO. 52

(ORDER DENYING PROTECTOR/PARTIES' PETITION FOR DECLARATORY JUDGMENT AND MOTION TO VACATE MINUTE ORDER 43, FILED MAY 11, 2017 [DOC. 629], AND RELATED DOCUMENT [DOC. 636])

Kealoha Pisciotta ("Ms. Pisciotta") on behalf of herself, Mauna Kea Anaina Hou, Paul Neves, Clarence Ching, the Temple of Lono, Mehana Kihoi, J. Leina'ala Sleightholm, Tiffany Kakalia, Cindy Freitas, and William Freitas, filed a Petition for Declaratory Judgment and Motion to Vacate Minute Order 43 on May 11, 2017 [Doc. 629].¹ The Flores-Case 'Ohana filed a joinder to the petition [Doc. 636]. The petition asks the Board of Land and Natural Resources ("Board") to "require[] the record to be complete before a schedule can be set for the issuance of

¹ The petition is only signed by Ms. Pisciotta and she is a member of Mauna Kea Anaina Hou. The other parties identified in the petition and motion have not joined in the petition. Ms. Pisciotta is not an attorney, and therefore, she cannot represent any party other than Mauna Kea Anaina Hou. See Hawai'i Revised Statutes ("HRS") § 91-9(b)(5) and Hawai'i Administrative Rules ("HAR") § 13-1-10.

a deadline for the preparation of decisions and orders” and to “vacate Minute Order 43 and direct the Hearing Officer not to issue a new deadline for the filing of proposed decisions and orders, including findings of fact and conclusions of law, until such time as all motions are decided.”

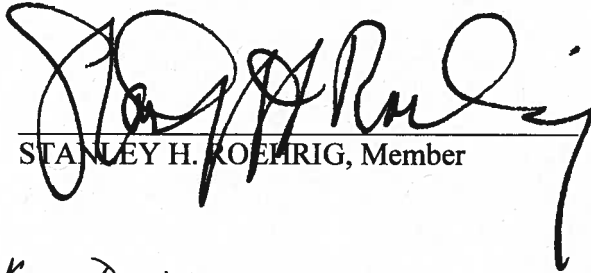
The Board elects to decide Ms. Pisciotta’s petition and the joinder without oral argument.

The petition and the joinder are **HEREBY DENIED WITHOUT PREJUDICE**. The Board will not consider these issues before the Hearing Officer issues her proposed findings of fact, conclusions of law and decision and order. The Board will carefully consider all issues after the proposed decision and order has been presented to the Board.

DATED: Honolulu, Hawaii, May __, 2017.

Suzanne D. Case

SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources



STANLEY H. ROEHRIG, Member

Keone Downing

KEITH “KEONE” DOWNING, Member

JAMES A. GOMES, Member

Thomas Oi

THOMAS OI, Member

SAMUEL "OHU" GON III, Member

Chris Yuen

CHRISTOPHER YUEN, Member

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

BLNR Contested Case HA-16-02
Document title: **Minute Order No. 52**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on May 26, 2017 and by regular mail on May 26, 2017:

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