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Harry Fergerstrom
Mehana Kihoi in her individual capacity and for Leina`ala Sleightholm
Cindy Freitas
William Freitas
Wilma Holi (Witness)

By its’ Lono Request, “The Temple of Lono requests a subpoena be issued to DLNR to produce a witness to testify on whether DLNR has a form to fill out requesting permission to build an altar on Mauna Kea.” Lono Request at page 1. Other than the Request, there were no other submissions for the Hearing Officer’s consideration.

After taking the Lono Request under advisement overnight, the Hearing Officer issued a verbal ruling on January 26, 2017:

With regards to the subpoenas, I have considered them...those subpoena requests involve President David Lassner, UH President David Lassner, as well as an employee who can speak to and perhaps present the document ...that needs to be submitted before an `ahu can be built...I’m going to find that they – there is no relevance or materiality as to our current issues, and I’m denying the request for subpoenas.

Tr. Vol. 31, 1-26-17, 12:12-24.

On February 1, 2017, the University of Hawai`i at Hilo filed a Proposed Minute Order No. __ Denying Temple of Lono Request for Witness Subpoena for DLNR Employee to Testify on Whether DLNR Has a Form to Fill Out Requesting Permission to Build an Altar on Mauna Kea (Doc. 439). (Doc. 458) There were no responses to the Proposed Minute Order.

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

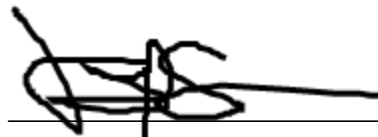
IT IS HEREBY ORDERED that the Request is DENIED.

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 and/or the Order Setting Issues, is no later than **5 business days** after the date this Minute Order are filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **10 business days** after this motion and order are 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, June 5, 2017.



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 Orders 60-67**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 5, 2017 and by regular mail on June 5, 2017:

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Date:

June 5, 2017