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**BOARD OF LAND AND NATURAL RESOURCES** 2:27  
2017 SEP 23

**STATE OF HAWAI'I**

DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

IN THE MATTER OF	)	CASE NO. BLNR-CC-16-002
	)	
Contested Case Hearing Re Conservation District	)	MINUTE ORDER NO. 86
Use Application (CDUA) HA-3568 for the	)	(ORDER DENYING TMT
Thirty Meter Telescope at the Mauna Kea Science	)	INTERNATIONAL
Reserve, Ka'ohē Mauka, Hamakua, Hawai'i	)	OBSERVATORY, LLC'S
TMK (3) 4-4-015:009	)	REQUEST FOR BOARD TO ACT
	)	UPON DENIAL OF
	)	INTERVENTION PURSUANT TO
	)	HAR § 13-1-31(G), FILED
	)	AUGUST 26, 2016 [DOC. 246];
	)	CERTIFICATE OF SERVICE

**MINUTE ORDER NO. 86**

**(ORDER DENYING TMT INTERNATIONAL OBSERVATORY, LLC'S REQUEST FOR BOARD TO ACT UPON DENIAL OF INTERVENTION PURSUANT TO HAR § 13-1-31(G), FILED AUGUST 26, 2016 [DOC. 246])**

TMT International Observatory, LLC ("TIO") filed TMT International Observatory, LLC's Request for Board to Act Upon Denial of Intervention Pursuant to HAR § 13-1-31(g), on August 26, 2016 [Doc. 246]. No responsive documents have been filed to the request.

On July 21, 2016, following a hearing on multiple motions, applications and requests for admission or intervention as a party or parties in this contested case, the Hearing Officer issued Minute Order No. 13 [Doc. 115]. In the order, she recommended that eleven individuals be dismissed for failure to appear at the hearing and failure to prosecute. She did not recommend that their motions, applications and requests to be admitted as parties be denied, which would have required the Board of Land and Natural Resources ("Board") to act pursuant to Hawai'i Administrative Rules § 13-1-31(g). The eleven individuals were identified as follows:

Ana Nawhine-Kaho'opi'i  
Edward K. Aiona  
Wai'ala Ahn  
Holonaikaiopuna Mika-Jiro Fukutomi  
Michael Lee  
Keahi Tajon  
Eric Hansen  
Rick Cassidy, Trustee; Mary Lucas Estate  
Lina Namaau  
Joy Keahipuakauikawekiu Mills-Ferren  
Michelle Cabalse

The order further set a deadline of August 1, 2016, for these individuals to file a motion for reconsideration. No motions were filed.

The Board elects to decide TIO's request without oral argument.

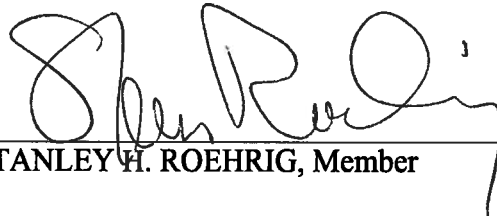
The request is HEREBY DENIED WITHOUT PREJUDICE. The Board will not consider this issue before the Hearing Officer issues her proposed findings of fact, conclusions of law and decision and order. The Board will carefully consider all issues after the proposed decision and order has been presented to the Board.

DATED: Honolulu, Hawai'i, June 23, 2017.

*Suzanne D. Case*

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



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STANLEY H. ROEHRIG, Member

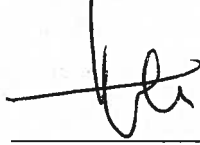


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KEITH "KEONE" DOWNING, Member

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JAMES A. GOMES, Member



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THOMAS OI, Member



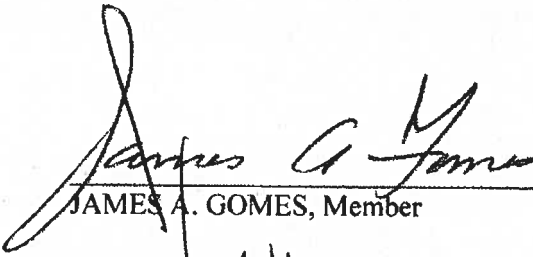
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SAMUEL "OHU" GON III, Member

*Chris J. Yuen*

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CHRISTOPHER YUEN, Member

  
\_\_\_\_\_  
JAMES A. GOMES, Member

  
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THOMAS OI, Member

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SAMUEL "OHU" GON III, Member

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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 Orders 86 & 87**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 23, 2017 and by regular mail on June 23, 2017:

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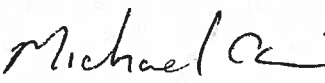
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