

BOARD OF LAND AND NATURAL RESOURCES

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AND COASTAL LANDS

STATE OF HAWAI'I

2017 JUL 28 P 12:57

Contested Case Hearing Re Conservation	)	CASE NO. BLNR-CC-16-002
District Use Application (CDUA) HA-3568	)	MINUTE ORDER NO. 103, ORDER REGARDING
for the Thirty Meter Telescope at the Mauna	)	FILING EXCEPTIONS TO HEARING OFFICER'S
Kea Science Reserve, Ka'ohē Mauka,	)	RECOMMENDATIONS AND SETTING ORAL
Hāmākua, Hawai'i, TMK (3) 4-4-015:009	)	ARGUMENT ON EXCEPTIONS; CERTIFICATE OF
	)	SERVICE
	)	

MINUTE ORDER NO. 103, ORDER REGARDING FILING EXCEPTIONS TO HEARING OFFICER'S  
RECOMMENDATIONS AND SETTING ORAL ARGUMENT ON EXCEPTIONS

On July 26, 2017, the Hearing Officer filed her proposed findings of fact, conclusions of law, and decision and order (“recommendations”) for consideration by the Board of Land and Natural Resources (“Board”) in the above-captioned matter. The recommendations were placed in the online documents library on July 26, 2017; digital copies were served on the parties on July 26, 2017; and hard copies were mailed to the parties on July 27, 2017.

The recommendations shall serve as the “proposal for decision” as that term is used in Hawai'i Revised Statute § 91-11.

**Parties to the contested case may file exceptions to the recommendations no later than Monday August 21, 2017 at 4:00 p.m.** The exceptions shall: (1) set forth specifically the questions of procedure, fact, law, or policy, to which exceptions are taken; (2) identify that part of the recommendations to which objections are made; and (3) state all grounds for exceptions to a ruling, finding, conclusion, or recommendation. The grounds not cited or specifically urged are waived.

**Responsive briefs to exceptions may be filed no later than Monday September 11, 2017 at 4:00 p.m.** The responsive briefs shall: (1) answer specifically the points of procedure, fact, law, or policy to which exceptions were taken; and (2) state the facts and reasons why the recommendations should be affirmed.

Exceptions and response briefs shall be filed with the Department of Land and Natural Resources, Office of Conservation and Coastal Lands, Room 131, 1151 Punchbowl Street, Honolulu, Hawai'i, 96813 and must be served on all parties to the contested case. A digital copy of submittals shall be emailed to [dlr.maunakea@hawaii.gov](mailto:dlr.maunakea@hawaii.gov).

**The Board will entertain oral arguments on Wednesday September 20, 2017, commencing at 9:00 a.m. at the Grand Naniloa Hotel Crown Room, 93 Banyan Drive, Hilo, Hawai'i, 96720.**

Each party to the case shall have fifteen minutes to present oral arguments before the Board. Time may not be assigned from one party to another. The Board may elect to ask questions of any party once they have completed argument; this time will not count towards the fifteen-minute total.

Applicant (1) University of Hawai'i at Hilo and Intervenors (2) TMT International Observatory, LLC and (3) Perpetuating Unique Educational Opportunities, Inc. shall present first.

Petitioners (1) Mauna Kea Anaina Hou and Kealoha Pisciotto, (2) Clarence Kukauakahi Ching, (3) the Flores-Case 'Ohana, (4) Paul Neves, (5) Deborah J. Ward, (6) KAHEA: The Hawaiian Environmental Alliance, and Opposing Intervenors (7) Mehana Kihoi, (8) Chase Michael Kaho'okahi Kanuha, (9) Harry Fergerstrom, (10) Joseph Kualii Camara, (11) Jennifer

Leina'ala Sleightholm, (12) Cindy Freitas, (13) William Freitas, (14) The Temple of Lono, (15) Kalikolehua Kanaele, (16) Stephanie-Malia:Tabbada, (17) Tiffnie Kakalia, (18) Glen Kila, (19) Dwight Vicente, and (20) Brannon Kamahana Kealoha shall present after the applicant and intervenors.

Parties may elect to reserve time from their allotted fifteen minutes for rebuttal argument. Rebuttal arguments will take place once all parties have completed their initial arguments.

There is significant public interest in this contested case and seating on the day of oral argument will be limited. Crown Room seating for members of the public shall be on a first come, first served basis. The public is asked to line up **outside** the Crown Room on the day of the hearing. Doors will open to the public at 8:30 a.m. Any member of the public entering the Crown Room prior to 8:30 a.m. will be asked to exit and stand in line. There will be no reserving of seats. The parties and Hearing Officer's witnesses may enter the Crown Room at any time, however, you are asked to arrive by 8:15 a.m. in order to ensure that you have a seat. Signs, posters, and other displays will not be allowed in the Crown Room or on the hotel premises. No food shall be allowed inside the Crown Room.

Members of the media should refer to Minute Order No. 10 filed on June 6, 2016. The media coordinator for the Board is Dan Dennison (808) 587-0407 or dan.w.dennison@hawaii.gov.

DATED: Honolulu, Hawai'i, July 28, 2017.

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

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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 103**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that Minute Order No. 103 was placed in the Contested Case Online Library at [dlnr.hawaii.gov/mk](http://dlnr.hawaii.gov/mk), and served upon the following parties by email (when indicated) and by regular mail (when indicated) on July 28, 2017:

Carlsmith Ball LLP  
Ian Sandison, John P. Manaut, Lindsay N. McAneeley  
1001 Bishop Street  
ASB Tower, Suite 2200  
Honolulu, HI 96813  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[jpm@carlsmith.com](mailto:jpm@carlsmith.com)  
[lmcaneley@carlsmith.com](mailto:lmcaneley@carlsmith.com)  
*Counsel for the Applicant University of Hawai'i at Hilo*

Law Offices of Yuklin Alulu  
415-C Uluniu Street  
Kailua, HI 96734  
[yuklin@kailualaw.com](mailto:yuklin@kailualaw.com)  
*Co-Counsel for Kahea*

Dexter K. Kaiama  
111 Hekili Street, #A1607  
Kailua, HI 96734  
[cdex@hotmail.com](mailto:cdex@hotmail.com)  
*Co-Counsel for Kahea*

Kealoha Pisciotta and Mauna Kea Anaina Hou  
PO Box 5864  
Hilo, HI 96720  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

Clarence Kukauakahi Ching  
64-823 Mamalahoa Hywy  
Kamuela HI 96743  
[kahiwaL@cs.com](mailto:kahiwaL@cs.com)

Flores-Case 'Ohana  
E. Kalani Flores, B. Pualani Case  
PO Box 6918  
Kamuela, HI 96743  
[ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)

Deborah J. Ward  
PO Box 918  
Kurtistown, HI 96760  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

Paul K. Neves  
380 Nahale-a Avenue  
Hilo, HI 96720  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

Watanabe Ing LLP  
J. Douglas Ing, Ross T. Shinyama, Summer H. Kiawe  
First Hawaiian Center 999 Bishop Street, 23<sup>rd</sup> Floor  
Honolulu, HI 96813  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
[douging@wik.com](mailto:douging@wik.com)  
*Counsel for TMT International Observatory, LLC*

Harry Fergerstrom  
P.O. Box 951  
Kurtistown, HI 96760

Mehana Kihoi  
PO Box 393  
Honaunau, HI 96726  
[uhiwai@live.com](mailto:uhiwai@live.com)

C. M. Kaho'okahi Kanuha  
77-6504 Maile St  
Kailua Kona, HI 96740  
[kahookahi@gmail.com](mailto:kahookahi@gmail.com)

Joseph Kualii Lindsey Camara  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

Torkildson, Katz, Moore, Hetherington & Harris  
Attn: Lincoln S. T. Ashida  
120 Pauahi Street, Suite 312  
Hilo, HI 96720-3084  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
[njc@torkildson.com](mailto:njc@torkildson.com)  
*Counsel for Perpetuating Unique Educational  
Opportunities (PUEO)*

J. Leina'ala Sleightholm  
P.O. Box 383035  
Waikoloa, HI 96738  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)

Lanny Alan Sinkin  
PO Box 833  
Bismarck, North Dakota 58502-0833  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for The Temple of Lono*

Kalikolehua Kanaele  
4 Spring Street  
Hilo, HI 96720  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

Stephanie-Malia:Tabbada  
P O Box 194,  
Naalehu, HI 96772  
[s.tabbada@hawaiiantel.net](mailto:s.tabbada@hawaiiantel.net) (error)

Tiffnie Kakalia  
549 E. Kahaopea St.  
Hilo, HI 96720  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

Glen Kila  
89-530 Mokiawe Street  
Waianae, HI 96792  
[makakila@gmail.com](mailto:makakila@gmail.com)

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha  
89-564 Mokiawe Street  
Nanakuli, HI 96792  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

Cindy Freitas  
PO Box 4650  
Kailua Kona, HI 96745  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

William Freitas  
PO Box 4650  
Kailua Kona, HI 96745  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

Wilma H. Holi  
P. O. Box 368  
Hanapepe, HI 96716  
[w\\_holi@hotmail.com](mailto:w_holi@hotmail.com)  
*Hearing Officer's witness*

Moses Kealamakia Jr.  
1059 Puku Street  
Hilo, HI 96720  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Hearing Officer's witness*

Signature:   
Name: Michael Cain

Date: July 28, 2017