

TORKILDSON, KATZ, MOORE,
HETHERINGTON & HARRIS
Attorneys at Law, A Law Corporation

NEWTON J. CHU 6537-0
VAUGHN G. T. COOK 7914-0
LINCOLN S. T. ASHIDA 4478-0
120 Pauahi Street, Suite 312
Hilo, Hawai'i 96720
Tel No. (808) 961-0406
Fax No. (808) 961-3815

Attorneys for Intervenor
PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES

BOARD OF LAND AND NATURAL RESOURCES

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'ohe Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

INTERVENOR PERPETUATING
UNIQUE EDUCATIONAL
OPPORTUNITIES' *EXCEPTIONS TO*
THE HEARING OFFICER'S PROPOSED
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DECISION AND ORDER,
FILED JULY 26, 2017; CERTIFICATE OF
SERVICE

**INTERVENOR PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES'
EXCEPTIONS TO THE HEARING OFFICER'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DECISION AND ORDER, FILED JULY 26, 2017**

Intervenor PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES

(hereinafter "PUEO") by and through their undersigned counsel, TORKILDSON, KATZ,
MOORE, HETHERINGTON & HARRIS, AAL, ALC, respectfully submits the following
exceptions to the Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Decision
and Order dated July 26, 2017, pursuant to Hawai'i Administrative Rules § 13-1-42 and Minute
Order No.103.

PUEO supports the Hearing Officer's Proposed Order and requests that the Board of

Land and Natural Resources adopt the Proposed Order. PUEO submits the following exceptions to supplement the Hearing Officer's Recommended Decision and Order.

I. Development of 'Imiloa Uka/Kai

At page 261 of the Recommended Decision and Order, the Hearing Officer states the following at item (2):

Working with the 'Imiloa Astronomy Center and OMKM to develop informational exhibits for visitors regarding the natural, cultural and archaeological resources of Mauna Kea;

PUEO recommends the following language be supplemented and incorporated into the final Decision and Order:

In order to develop a Hawaiian cultural footprint for the future of Maunakea, the UH Hilo and TIO/TMT will collaboratively work towards the future development of an 'Imiloa Uka component in tandem with 'Imiloa Kai. Both of these joint facilities will collectively provide:

- A. Space for Hawaiian practitioners' cultural practices regarding the sacred aspects of Maunakea and other sacred Hawaiian places;*
- B. Hawaiian navigation past, present and future;*
- C. Retail facilities for the sale of native Hawaiian crafts, literature and clothing to visitors from around the world;*
- D. A mauka extension of Ka Haku 'Ula 'O Ke'elikolani Hawaiian Language College and the Hawai'i Community College Hawaiian Studies program to facilitate a Hawaiian Learning Center and Language/Culture development on Maunakea for students, visitors, the general public and especially astronomers;*
- E. An International Education, Peace and Cultural Amphitheater designed to provide a forum for the discussion of world peace, religion, governance and the future of mankind on Earth and in the Cosmos, as well as a place for halaus to practice; and*
- F. Implementation and extension of ocean-based educational opportunities designed to teach navigation and sailing skills, vessel construction and repair and other ocean-going skills.*

II. Educational Programs

At page 261 of the Recommended Decision and Order, PUEO recommends the following language be inserted into the final Decision and Order, as an additional condition:

Development of a plan to implement and extend early entry programs for at-risk children of Hawaiian ancestry and other at-risk youth in the community at UH Hilo. This early entry program will provide educational opportunities in STEM-related and other curriculum such as the following:

- A. Astronomy, math, science, engineering, environmental science and technical support careers at astronomy facilities;*
- B. Hawaiian language and culture;*
- C. Navigation;*
- D. Geology;*
- E. Biology (including but not limited to botany and agriculture);*
- F. Religion;*
- G. Law Enforcement/criminal justice;*
- H. New disciplines of learning dependent on career fields needed; and*
- I. On the job training as necessary.*

III. Cross-Cultural Activities

At page 261 of the Recommended Decision and Order, PUEO recommends the following language be inserted into the final Decision and Order, as an additional condition:

The UH Hilo shall develop and plan to implement a cooperative fellowship program between personnel working at the astronomy facilities on Maunakea and Hawaiian communities related to navigation, astronomy, and Hawaiian culture.

IV. Management of Access to the Summit

At page 261 of the Recommended Decision and Order, PUEO recommends the following language be inserted into the final Decision and Order, as an additional condition:

OMKM and the Kahu Ku Mauna Council, after reasonable public input, shall develop a plan and protocols in the next two years to manage general access to the summit of Maunakea. The plan should include a proposal for informing and vetting all who plan to conduct any commercial activities on the summit.

V. CONCLUSION

Based on the foregoing, PUEO respectfully request the Board of Land and Natural Resources adopt the Hearing Officer's Recommended Decision and Order and supplement said order with the recommended conditions cited herein.

Dated: Hilo, Hawai'i, August 21, 2017.



NEWTON J. CHU
VAUGHN G. T. COOK
LINCOLN S. T. ASHIDA

Attorneys for Intervenor
PERPETUATING UNIQUE EDUCATIONAL
OPPORTUNITIES

BOARD OF LAND AND NATURAL RESOURCES

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'ōhe Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that the above-referenced document was served upon the
following parties by email unless indicated otherwise:

DLNR Office of Conservation and Coastal
Lands ("OCCL")
dlnr.maunakea@hawaii.gov

DAVE M. LOUIE, ESQ.
CLIFFORD K. HIGA, ESQ.
NICHOLAS R. MONLUX, ESQ.
Kobayashi Sugita & Goda, LLP
dml@ksglaw.com
ckh@ksglaw.com
nrm@ksglaw.com
*Special Deputy Attorneys General for
ATTORNEY GENERAL DOUGLAS S. CHIN,
THE DEPARTMENT OF THE ATTORNEY
GENERAL, and DEPUTY ATTORNEYS
GENERAL IN THEIR CAPACITY AS
COUNSEL FOR THE BOARD OF LAND
AND NATURAL RESOURCES and
HEARING OFFICER*

MICHAEL CAIN
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

WILLIAM J. WYNHOFF, ESQ.
Deputy Attorney General
bill.j.wynhoff@hawaii.gov
*Counsel for the BOARD OF LAND AND
NATURAL RESOURCES*

J. DOUGLAS ING, ESQ.
douging@wik.com
ROSS T. SHINYAMA, ESQ.
rshinyama@wik.com
SUMMER H. KAIawe, ESQ.
skaiawe@wik.com
Watanabe Ing LLP
*Counsel for TMT INTERNATIONAL
OBSERVATORY, LLC*

JOSEPH KUALII LINDSEY CAMARA
kualiic@hotmail.com

HARRY FERGERSTROM
P.O. Box 951
Kurtistown, HI 96760
hankHawaiian@yahoo.com
(via email & U.S. mail)

WILLIAM FREITAS
pohaku7@yahoo.com

TIFFNIE KAKALIA
tiffniekakalia@gmail.com

BRANNON KAMAHANA KEALOHA
brannonk@hawaii.edu

GLEN KILA
makakila@gmail.com

JENNIFER LEINA'ALA SLEIGHTHOLM
leinaala.mauna@gmail.com
leina.ala.s808@gmail.com

LANNY ALAN SINKIN
lanny.sinkin@gmail.com
Representative for the Temple of Lono

MAUNA KEA ANAINA HOU
c/o Kealoha Pisciotta
keomaivg@gmail.com

IAN L. SANDISON, ESQ.
isandison@carlsmith.com
JOHN P. MANAUT, ESQ.
JPM@carlsmith.com
LINDSAY N. MCANEELEY
lmcaneeley@carlsmith.com
Carlsmith Ball LLP
*Counsel for UNIVERSITY OF HAWAII AT
HILO*

DWIGHT J. VICENTE
2608 Ainaola Drive
Hilo, HI 96720-3538
[dwightjvicente@gmail.com](mailto:dwrightjvicente@gmail.com)
(via email & U.S. mail)

RICHARD L. DELEON
kekaukike@msn.com

CINDY FREITAS
hanahanai@hawaii.rr.com

C. M. KAHOKAHI KANUHA
kahookahi.kukiaimauna@gmail.com

KALIKOLEHUA KANAELE
akulele@yahoo.com

MEHANA KIHAI
uhiwai@live.com

STEPHANIE-MALIA: TABBADA
s.tabbada@hawaiiantel.net

DONNA H. KALAMA, ESQ.,
Deputy Attorney General
donna.h.kalama@hawaii.gov
*Counsel for the Honorable DAVID Y. IGE,
and BLNR Members SUZANNE CASE and
STANLEY ROEHRIG*

E. KALANI FLORES
ekflores@Hawaiiintel.net

DEBORAH J. WARD
cordylinicolor@gmail.com

YUKLIN ALULI, ESQ.
Law Offices of Yuklin Aluli
yuklin@kailualaw.com
DEXTER KAIAMA, ESQ.
Law Offices of Dexter K. Kaiama
cdexk@hotmail.com
*Counsel for KAHEA: THE
ENVIRONMENTAL ALLIANCE*

IVY MCINTOSH
3popoki@gmail.com
Witness for the Hearing Officer

PATRICIA P. IKEDA
peheakeanila@gmail.com
Witness for the Hearing Officer

CRYSTAL F. WEST
crystalinx@yahoo.com
Witness for Hearing Officer

CLARENCE KUKAUAKAHI CHING
kahiwaL@cs.com

B. PUALANI CASE
puacase@Hawaiiintel.net

PAUL K. NEVES
kealiikea@yahoo.com

WILMA H. HOLI
P. O. Box 368
Hanapepe, HI 96716
w_holi@hotmail.com
*Witness for the Hearing Officer
(via email & U.S. mail)*

MOSES KEALAMAKIA, JR.
mkealama@yahoo.com
Witness for the Hearing Officer

Dated: Hilo, Hawai'i, August 21, 2017.



NEWTON J. CHU
VAUGHN G. T. COOK
LINCOLN S. T. ASHIDA

Attorneys for Intervenor
PERPETUATING UNIQUE EDUCATIONAL
OPPORTUNITIES