

jobs. The financial and other resources that TMT will bring will improve the University's ability to implement many of the management plan actions. Ex. A-7/R-7 at 45, 60; Vol. 42, Tr. 2/28/17 at 68:10- 68:18.

- e. A strong management regime, approved by the BLNR, is now in place for caring for the mountain's resources. The management framework consists of a comprehensive management plan with the subplans, resource plans, cultural plans, public access plans, and decommissioning plans. Vol. 42, Tr. 2/28/17 at 68:19-69:1; Ex. A-7/R-7 at 46- 47, 60.
366. Lemmo further testified that the TMT Project met all eight of the criteria applicable to conservation district use applications, as set forth in HAR § 13-5-30, and thus, he recommended approval of the CDUA to the BLNR. OCCL considered the cultural and religious issues and concluded that the site location below the summit ridge in Area E mitigated the impacts of the new telescope in the area. While the TMT Project represents an incremental impact, the TMT Project in and of itself is not a significant impact in the context of the proposed mitigation measures and the already existing significant impacts within the Astronomy Precinct. Vol. 42, Tr. 2/28/17 at 66:7-70:22.

III. MAUNA KEA CONSIDERED SACRED

367. Ku'ulei Kanahale, a witness called by KAHEA, is a researcher with the Edith Kanaka'ole Foundation. Here is her story:

"My name is Ku'ulei Kanahale and I am the lead Papahūhūhū (earth science) researcher with the Edith Kanaka'ole Foundation, a Hawaiian cultural-based organization whose mission is to heighten indigenous Hawaiian cultural awareness, knowledge, and participation through educational programs. My primary duty is to interpret traditional Hawaiian chants to understand how our ancestors lived and thrived in our island environment. Understanding traditional chants is important because chants document centuries of environmental observations and is the method our ancestors used to record that information. I have presented my findings locally, nationally and internationally, most recently to Google X and the Hōkūle'a Mālama Honua Worldwide Voyage as well as at the 2016 IUCN World Conservation Congress.

Aside from my work at the Edith Kanaka'ole Foundation, I am an instructor at the Hawai'i Community College, where I have taught Hawaiian language since 1998. I have my Masters in Education from Central Michigan University and I am currently a graduate student at the University of Hawai'i at Hilo, where I am earning my Ph.D. in Hawaiian and Indigenous Language and Culture Revitalization.

I am writing to provide my testimony on the hydrology of Maunakea from a Hawaiian worldview." WDT of Kuulei Kanahale; Ex. B.11a.

368. Mauna Kea is born of the gods Wakea and Papa, these same gods are also the progenitors of the Hawaiian race. Kanahale, Vol. 29, Tr. 1/24/17, at 143:1-9; Ex. B.11a at 2.

369. The summit of Mauna Kea is wao akua, the place where the gods reside, where water, snow and mists are found, far removed from the wao kanaka where humans can reside. Vol. 29, Kanahale, Tr. 1/24/17, at 143-44:25-3.
370. Citing to E O E Mauna Kea, in her testimony Kanahale described the specific wao akua residing in Mauna Kea wao akua, being Poliahu, Lilinoe, Waiiau and Kalauakolea, the snow, the mists, the lake and the fog drip. Vol. 29, Tr. 1/24/17, at 148; Ex. 8.11a, p.3.
371. It is the belief of Hawaiian people that the summit of Mauna Kea touches the sky in a unique and important way, as a piko by which connections to the ancestors are made known to the them, as, too, is their collective knowledge. Vol. 29, Tr. 1/24/17, at 147-49: 21-25, 1-25.
372. Mauna Kea can be considered the piko ho'okahi, the single navel, which ensures spiritual connections, genealogical connections, and the rights to the regenerative powers of all that is Hawai'i. It is from this "world navel" that the Hawai'i axis emerges. Ex. A009 at ii.
373. Mauna Kea is an ancestor. It was a purpose of the birth chant, E O E Mauna Kea, to establish the relationship of the Hawaiian people to their primordial parents, Papa and Wakea, and to their ancestor, Mauna Kea. Kanahale, Vol. 29, Tr. 1/24/17, at 162: 3-11.
374. Mauna Kea is considered sacred by people all over the world. Neves, Vol. 33, Tr. 1/31/17, at 193:21-25. However, it is specifically the calling of Native Hawaiians to maintain their relationship with Mauna Kea. Vol. 33, Tr. 1/24/17, at 206-207. "We were given this kuleana...we [have] to do all the things we do to keep that mountain in unblemished form." Vol. 33, Tr. 1/31/17, at 207:19-22.
375. In fact, Mauna Kea, as the first born of Papa and Wakea and piko of the island, has all the hallmarks of what Mircea Eliade referred to as a "sacred center". McCoy Ex. A-122 at 7-11.
376. The TMT FEIS states that the upper mountain region, is a sacred landscape. The TMT FEIS states: "Due to the spiritual and sacred attributes of Maunakea [sic] in Native Hawaiian traditions, traditional and customary cultural practices are performed in the summit region, including. . . Practices associated with the belief in that the upper mountain region of Mauna Kea, from the Saddle area up to the summit is a sacred landscape, personifying the spiritual and physical connection between one's ancestors, history, and the heavens." Ex A003 (TMT FEIS) at S-4.
377. Adopting the same interpretation as that of witness Kuulei Kanahale of Mauna Kea as hiapo to all native Hawaiians and the origin point or piko of the island, McCoy describes the ascent of Mauna Kea as "a walk upward and backward in time to cosmological origins" and opines that "[b]ased on the large number of shrines in the summit area it is clear that Hawaiians went to the top of the mountain with a sacred purpose in mind....[t]he ritual landscape that exists today is almost certainly the result of journeys by a number of families and adze makers over many generations." Ex. A-122 at 7-12.

378. McCoy opines that archaeological evidence of ascent and descent routes littered with lithic artifacts, ritual stations, burials, and propitiation ahu, supports a pan-island production system having political and land use implications on the Island of Hawai‘i. Ex. A-122 at 7-43 to 7-49, 7-60 to 7-61; Fig 7.6 at 7-46.
379. The Applicant called one archaeologist to testify in the course of these proceedings, Richard Nees ("**Nees**"), on December 5, 2017. Nees is a Senior Archaeologist with Pacific Consulting Services, Inc. ("**PCSI**"); he has worked at PCSI for 28 years. He received a B.A. degree from Arizona State University in 1988. In his words: "I have actively participated in archaeological field work contracted by the Office of Mauna Kea Management ("**OMKM**") to PCSI since 2005, and have co-authored numerous archeological inventory survey reports for Mauna Kea. I was the Field Director or Field supervisor for archaeological inventory surveys by PCSI in the Mauna Kea Science Reserve ("**MKSR**"), the Mauna Kea Access Road Corridor, and Hale Pōhaku, as well as the archaeological survey of the Mauna Kea Ice Age Natural Area Reserve to the south of the MKSR. Since 2011, I have led annual monitoring inspections of the historic properties identified within the lease lands held by the University of Hawai‘i on Mauna Kea." WDT of Richard Nees; UHH Witness; filed 10/11/2016.
380. Nees worked with Dr. Patrick McCoy from 2005 through 2013 in his work on Mauna Kea. Vol. 12, Tr. 12/5/17, at 121:21-25.
381. Nees is listed as the coauthor of Ex. A 122. *Id.* Vol. 12 at 121:9-19.
382. Nees agrees with the conclusions of A 122 as they relate to the sacredness of Mauna Kea and the activities that took place there. *Id.* Vol. 12 at 123:8-25, at 124: 1-13.
383. Nees agreed that the activities which took place in the adze quarry took place throughout the upper mountain region. *Id.* Vol 12 at 125: 2-25.
384. Nees stated that he drew Figure 7.6 on page 7-46 of Exhibit A122. *Id.* Vol 12 at 126: 1-25, at 127: 1-25, at 128: 1-5. He also confirmed his agreement with the conclusions in the report as to what is depicted in Fig. 7.6.
385. Manulani Aluli Meyer, a witness called by Flores-Case ‘Ohana, is a Professor of Education in the field of Indigenous Epistemology. Here is her story:

"I am Manulani Aluli Meyer, the fifth daughter of Emma Aluli and Harry Meyer. The Aluli ohana hail from Mokapu, Kailua, Kamamalu, Kohala, Hilo One and Wailuku – Oahu, Hawai‘i, Maui. I am a 30+ year practitioner of hooponopono [healing process through ritualized communication], and a scholar-practitioner of Hawaiian knowledge working as a Wilderness Instructor and Outdoor Educator for 20+ years, and as a Professor of Education for 15+. My work is in the field of Indigenous Epistemology or Philosophy of Knowledge as it applies to world-wide awakening within systems [ie: education, economics, evaluation, prison reform, health]. I earned my Doctorate from Harvard University in 1998 on this topic and have taught at the University of Hawai‘i at Hilo – Education Department; at Te Wananga o Aotearoa – largest Maori University in NZ; and currently as the Director of Indigenous Education at the University of Hawai‘i

West Oahu. I now evaluate Indigenous PhD's from around the globe, and discuss/write about native knowledge systems throughout multiple countries and universities. My job now is to assist the University of Hawai'i to become a clearly definitive and inspiring Indigenous serving higher education system." WDT of Dr. Manulani Aluli Meyer, Ex. B.05a.

Dr. Aluli Meyer believes that we cultivate transpatial relationships with Mauna Kea, or relationships that transcend space and distance. WDT of Dr. Manulani Aluli Meyer, Ex. B.05a. at 1.

According to Dr. Aluli Meyer, indigenous epistemologies, or ways of knowing, are integral for understanding those things that are ineffable, or too grand to be measured for value using "mainstream" or "empirical" methods. Mauna Kea, she argues, is one such entity that must be understood with indigenous wisdom if we are to truly understand why it is "beloved" to people. WDT of Dr. Manulani Aluli Meyer, Ex. B.05a. at 2.

386. Dr. Aluli Meyer explained "Kū Kia'i Mauna": "You know, there are manifestations of Ku, but for me it's a synonym for what the animation principle of your life is. So stand within your own life force and – and be something erect, pono, powerful, nurturing, inspiring. Be the first the sun wants to touch, Kū Kia'i Mauna, care for our beloved inspiration." Vol. 31, Tr. 1/26/17 at 32:15-21.
387. Dr. Aluli Meyer affirmed that Mauna Kea was identified by Hawaiian ancestors as a place of great healing. She explained that it was wao akua, a presence. "Every sunrise you're renewed, every sunset you're rejuvenated. So the relationship one has is the point not the gawking but the relationship. And Mauna Kea has always been inspiring for me, living in Hilo Pali Ku." Vol. 31, Tr. 1/26/17 at 84:6-12.
388. Spirituality, as Dr. Aluli Meyer explained, is often confused with religion. Indigenous epistemologies, or ways of knowing, similarly, are often dismissed as "soft science" by the so-called "hard sciences." But this leads to dysfunction. Spirituality is real and should not be confused with religion. Vol. 31, Tr. 1/26/17 at 117:21-119:5.
389. Dr. Aluli Meyer explained that wailua, or spirit, is a reality. Although it is unseen, and therefore has no form, we see the expression of wailua in life: in places, in natural elements, etc. If these things are then polluted, then the spirit will find its end. Vol. 31, Tr. 1/26/17 at 120:5-19.
390. Dr. Aluli Meyer affirmed that the proposed mitigation that the "TMT project facilities will be furnished with items to provide a sense of place and acknowledge the cultural sensitivity and spiritual attributes of Mauna Kea" is not a sufficient mitigation to allow for the building of the TMT on Mauna a Wakea. Vol. 31, Tr. 1/26/17 at 139:1-111.
391. Dr. Aluli Meyer affirms that continuing to change or drastically alter the environment will force native Hawaiians to also compromise cultural values and relationships with the environment, relationships that are found within indigenous epistemologies. WDT of Dr. Manulani Aluli Meyer, Ex. B.05a. at 1.

392. Dr. Aluli Meyer articulated that "mainstream" interpretations of "ownership" in a capitalist system allow for exclusion and not for the "necessity of care," which has ultimately led to the "destruction of our planet." Vol. 31, Tr. 1/26/17 at 28:13-21.
393. Dr. Aluli Meyer made the distinction that "spirituality" has nothing to do with "religion" and that being asked for physical evidence of "religion," like a church, collapses spirituality. It implies that there is only one way, one truth, one agreed upon way of being. Vol. 31, Tr. 1/26/17 at 39:16-40:3.
394. Spirituality, as Dr. Aluli Meyer explained, is a "synonym for indigeneity and for continuity and therefore aloha." Vol. 31, Tr. 1/26/17 at 41:6-7.
395. As an employee of the University of Hawai'i system, hired under the Papa o ke Ao directive, Dr. Aluli Meyer affirmed that the University's application for another facility on Mauna Kea is not in alignment with the University's strategic directive to become an indigenous serving institution. Vol. 31, Tr. 1/26/17 at 109:14-110:11.
396. Dr. Aluli Meyer discussed why the TMT is not appropriate for our time. She stated that there are other ways to learn about the stars. Vol. 31, Tr. 1/26/17 at 110:12-14.
397. Dr. Aluli Meyer defined culture as the "best practices of a group of people specific to a place over time." Vol. 31, Tr. 1/26/17 at 48:6-7. She contends that Hawaiian "love of land" is what allowed Hawaiians to survive in Hawai'i. Vol. 31, Tr. 1/26/17 at 48:7-8.
398. Dr. Aluli Meyer testified that the TMT project will adversely impact traditional cultural practices as well as cultural and spiritual views of the mauna. Vol. 31, Tr. 1/26/17 at 69:23-70:13
399. Hawane Rios, a witness called by Opposing Intervenor Mehana Kihoi, is a Kanaka Maoli (Native Hawaiian) cultural practitioner. Here is Ms. Rios' story:

"O wau 'o Hāwane. 'O Mauna a Wākea ku'u mauna, 'o Kohākohau ku'u kahawai, a 'o Pu'ukapu, Waimea ku'u 'āina kūlāiwi.

My name is Hāwane Rios, my mountain is Mauna Kea, my river is Kohākohau, and the land that raised me is Pu'ukapu, Waimea on the island of Hawai'i. I am a descendant of Kanaka Maoli (Native Hawaiians) who inhabited the Hawaiian Islands prior 1778 as established through my genealogical lines of 'Umihulumakaokalanikia'imauna'o'Āwini and Ka'ā'īkaulakaleikauilahāmakanoē Naweluokekikipa'a. My ancestors come from the 'Āiwini Valley of the Kohala Mountains connecting me and my bloodline to a lineage of indigenous peoples rooted in honoring the land, waterways, and all living beings. The practice of aloha 'āina – to love and care for the land, was passed down by these same ancestors through the generations all the way to my mother and then to me. It is a practice of our people to know where we come from, to remember our creation story and how our family genealogies connect to it. I offer this part of our genealogical creation story here to create a space of better understanding as to why I stand to protect Mauna a Wākea from the further destruction and desecration of the Thirty Meter Telescope." WDT of Hawane Rios, page 1; Ex. F-5 at page 1.

400. Ms. Rios testified that she descends from a line of "seers, of medicine people" and that healing is in her lineage; this is where her practices come from. She is also a dancer and chanter. Vol. 36, Tr. 2/15/17 at 130:21-131:9.
401. Ms. Rios testified that Mauna Kea is a temple, one of highest significance, a place of prayer and worship where ceremonies are conducted. These ceremonies are about the supreme law of the universe. Vol. 36, Tr. 2/15/17 at 131:20-132:7.
402. Ms. Rios testified that she is a haka, a seer, a medium that has received these gifts genealogically. This is a traditional gift that allows her to receive ancestral insight. Her mediumship has taken place on Mauna Kea in areas at the Northern Plateau, Lake Waiau and different pu'u. Mediumship allows her to receive information that others like archaeologists might not receive. Vol. 36, Tr. 2/15/17 at 142:5-144:18.
403. Ms. Rios testified that she has received ancestral knowledge through mediumship in areas on the Northern Plateau. Ms. Rios explained the significance of shrines along the Northern Plateau, their connection to one another, their alignment with the constellations and tides at certain times of the year, and that they are portals which connect to celestial bodies of the universe. In particular, the Northern Plateau is a place of learning, a celestial realm in the cosmos that is also connected to voyaging. She describes the Northern Plateau as "a very sacred space of higher learning, spiritual learning, higher consciousness." These shrines were built and cared for by certain families and that there is knowledge that is embedded into the site. She explained that: "The knowledge from these ancient beings of a celestial realm and of the kupuna realm are in the fabric of the mountain. They are a part of the portal that exists there. They're not separate. Vol. 36, Tr. 2/15/17 at 149:21-152:11.
404. Ms. Rios testified that by destroying one particular site or ahu you cause destruction to others. If built, the TMT project would cause destruction to some of these sites severing, permanently closing, access to knowledge of the celestial realm. Vol. 36, Tr. 2/15/17 at 153:1-21.
405. Petitioner B. Pualani Case ("Pua Case" or "Ms. Case"), is a native Hawaiian cultural practitioner and more. Here is her story:

"I am, B. Pualani Case, member of the Flores-Case 'Ohana, residing in Pu'ukapu, Waimea, Kohala Waho, Mokupuni o Hawai'i. I am a Kanaka Maoli (also identified as a Native Hawaiian, he hoa'aina o Moku o Keawe, he 'oiwi o ka pae 'aina Hawai'i, an indigenous person of the archipelago of Hawai'i) and a cultural practitioner with connections to Mauna a Wākea, Kumu Hula, chanter, and most importantly a parent of two daughters who are passionately connected to their culture and traditions. We are descendents of native Hawaiians who inhabited the Hawaiian Islands prior to 1778 as established through my family lineage connected to the clan of 'Awini dating back before the time of Kamehameha's birth. My grandfather seven generations ago was 'Umihulumakaokalanikia'imaunao'awini who guarded the pass of 'Awini. Through the writings of my kupauna, namely Kupuna Pheobe Hussey, Kupuna Sally Berg and Kupuna Marie Solomon, we have established through family stories written by the hands of our

kūpuna direct connections to family ‘aumākua which we still reverently acknowledge, the pueo, the manō and the mo‘o.

I received a B.A. degree in Hawaiian Studies in 1983 from the University of Hawai‘i at Hilo along with a D.O.E Teaching Certification. I have been an educator for nearly 30 years in the Hawai‘i State public school system. I am presently a cultural consultant, teacher, lecturer and community leader and resource. Therefore, based upon the legal standards covered in Hawai‘i Rules of Evidence – Rule 702, I would also be qualified as an expert witness through my knowledge, skills, experience, training, and education in the subject matter pertaining to Hawaiian cultural traditions." WDT of B. Pualani Case; Ex. B.21a.

406. Ms. Case testified that the chanting, dancing and practices are the foundation that has carried Ms. Case all through her life, from Pu‘u Huluhulu to the Wekiu, the top of Mauna a Wakea. Vol. 25, Tr. 1/11/17 at 128:10-13.
407. She testified that customary and traditional practices relating to the Northern Plateau of Mauna Kea include going there at sunrise to welcome the sun in the only way that you can on that spot, reciting particular chants in which the vantage points that we look at dictate that we are there, honoring the ancestors whose bones are there. Vol. 25, Tr. 1/11/17 at 129:10-130:19.
408. Case and her daughters go to the Northern Plateau to pray and chant and "make correct" for those who would disturb that area, to make pono in the best way, to pray the forgiveness chants, to shed tears, and to pray that chants assure our ancestors that we will do whatever can be done that they may never know that disturbance. Vol. 25, Tr. 1/11/17 at 130:4-14.
409. Case testified that the prayers and the chants done on the Northern Plateau and the ceremonies are different than what would be done elsewhere. Vol. 25, Tr. 1/11/17 at 227:23- 228:20.
410. In this contested case hearing members of Case's ohana identified as cultural practitioners with connections to Mauna a Wakea. Vol. 25, Tr. 1/11/17 at 131:13-16.
411. Case indicated she had not ever been consulted regarding "traditional customary practices" related to Mauna Kea by DLNR, the OMKM, and Kahu Kū Mauna. Vol. 25, Tr. 1/11/17 at 130:23-131:1.
412. No archeologists who conducted surveys on MKSR consulted with Case. Vol 25, Tr. 1/11/17 at 132:1-4.
413. No archeologists consulted with Case with regard to the significance of cultural sites on the Northern Plateau. Vol. 25, Tr. 1/11/17 at 132:5-8.
414. Ms. Case testified that between the last contested case hearing and now, she has not been consulted in any way including under 106, by the TMT, BLNR, the UHH, the University of Hawai‘i at Manoa, or the IfA. Vol. 25, Tr. 1/11/17 at 156:8-157:4.

415. No one from the University of California or Caltech asked Case to consult. Vol. 25, Tr. 1/11/17 at 157:9-14.
416. No one has asked Case in all of these years to consult as to the impact of the TMT project Vol. 25, Tr. 1/11/17 at 157:23-158:3.
417. Ms. Case testified that the TMT Project, if built, would obstruct the open space characteristics of the Northern Plateau. Vol. 25, Tr. 1/11/17 at 239:11-14.
418. Ms. Case states: "...in our chants the way we regarded water was sacred, Hawai'i wai'ola, Hawai'i wai kapu, water is life, and so the place that the water fell upon, if we could just keep that clean, sacred. So if we don't have a business going to where the first water falls, perhaps we didn't need to go there. When the water falls on the mauna, it's going to end up being somebody's water, because it is our water aquifer, it is our watershed, it is the spirit of our water." Vol. 25, Tr. 1/11/17 at 176:21-177:5.
419. Pua Case testified she is one of the 14 percent, who would see it every day, every moment of the day. Her window faces the mauna. She would see it from the moment her eyes open until the moment that she goes to bed. Her life would change. Vol. 25, Tr. 1/11/17 at 136:14-19.
420. Case affirmed that if the TMT Project was built without doing their part to prevent it, it would cause her such guilt and despair that she would also be embarrassed to go there and try to pretend as though nothing happened. Vol. 25, Tr. 1/11/17 at 178:25-179:7.
421. Case testified that the TMT would block the mo'ō's views and block the portal's piko to Ke Akua. Vol. 25, Tr. 1/11/17 at 222:23-223:3.
422. Case testified that the TMT would impact the mo'ō and other religious and gods that dwell on the summit or deities Vol. 25, Tr. 1/11/17 at 223:4-225:1, and if the TMT Project was built on the Northern Plateau, it would curtail Ms. Case's traditional and customary cultural practices. Vol. 25, Tr. 1/11/17 at 239:5-10.
423. If the TMT Project was built somewhere else other than Mauna Kea, Ms. Case believes "it's still going to be at least 12-and-a-half acres of construction, destruction and desecration" and "it should impact me, because she loves this Hawai'i more than anything. It's my home land." Vol. 25, Tr. 1/11/17 at 240:2-12.
424. Ms. Case feels, "In the same way that I have experienced this loss of hula traditions tied to place over the years, I see that it would happen again if the Thirty Meter Telescope is built in the upper region of our Mauna." Ex. B21.a at 4 (Case WDT).
425. According to Ms. Case, the traditional practice of ceremonies including chanting, dancing, honoring at these places would be impacted by the building of the eighteen stories. The place with its pristine form would be no more, it would be under concrete along with an enormous visual eyesore, the place would have been desecrated, destroyed. Ex. B.21a at 4 (Case WDT).

426. Ms. Case asserts that the kanaka maoli and those who share these practices physically and spiritually would not be able to recite and perform the hula traditions there because of the overwhelming sense of despair and guilt that we would be consumed with. Ex. B.21a at 5 (Case WDT).
427. Ms. Case contends that the people cannot stand by and witness the desecration, destruction and construction and then conduct the same ceremonies we have done for years on the mountain. Ex. B.21a at 5 (Case WDT).
428. For Ms. Case, it would be akin to forfeiting her right to be there if she was unsuccessful in protecting the mountain. She could not return there to chant, dance and sing in the same manner. She would not be able to pray in the way that she has been led to do. A connection would be lost between the ancestral realm and the human realm. Information shared and knowledge passed down ancestrally would be lost. Interaction between the mountain and humans would be diminished like a loss of a family member, and the death of a way of life. Ex. B.21a at 5 (Case WDT).

IV. HAWAI'I ADMINISTRATIVE RULE § 13-5-30(c): THE EIGHT CRITERIA

429. Section 13-5-30(c) of the HAR is the overarching framework that guides this contested case. Section 13-5-30(c) sets forth the eight criteria by which the Board is to evaluate the merits of a proposed land use in a Conservation District.
430. The University has the burden to demonstrate by a preponderance of the evidence that the TMT Project meets the eight criteria to support a recommendation of approval of the CDUA and issuance of a CDUP. HAR § 13-1-35(k) ("The party initiating the proceeding and, in the case of proceeding on alleged violations of law, the department, shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The quantum of proof shall be a preponderance of the evidence.").
431. In preparing the CDUA, the University's consultants relied on a wide variety of materials as well as consultation with, *inter alia*, specialists and archaeologists. (White) Tr. 10/24/16 at 12:14-13:10 (White).
432. The CDUA was prepared in 2010. Whether a CDUA requires revisions or updates does not depend upon the mere passage of time; rather, it depends on the particular facts of the situation. (White) Tr. 10/24/16 at 186:10-13 (White). White, the primary author of the CDUA, testified that he knows of no new fact that would change his assessment of the CDUA. (White) Tr. 10/24/16 at 187:9-18.
- A. CRITERION ONE, HAR § 13-5-30(C)(1): "THE PROPOSED LAND USE IS CONSISTENT WITH THE PURPOSE OF THE CONSERVATION DISTRICT[.]"
433. The Conservation District statute is designed "to conserve, protect and preserve the important natural resources of the State through appropriate management and use to promote their long-term sustainability and the public health, safety and welfare." HRS § 183C-1.