

CARRIE K. S. OKINAGA 5958-0
University General Counsel

GARY Y. TAKEUCHI 3261-0
University Deputy General Counsel

JESSE K. SOUKI 8213-0
Associate General Counsel

UNIVERSITY OF HAWAI'I

2444 Dole Street, Bachman Hall 110

Honolulu, Hawai'i 96822

Email: souki@hawaii.edu

Telephone: (808) 956-2211

Facsimile: (808) 956-2109

Attorneys for

UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

The Petition of Mauna Kea Hui for a
Declaratory Order Filed May 24, 2021.

Case No. HA-22-02

**UNIVERSITY OF HAWAI'I AT HILO'S
SUBSTANTIVE JOINDER TO TMT
INTERNATIONAL OBSERVATORY LLC'S
PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION
AND ORDER, RE: MAUNA KEA HUI'S
MOTION TO REOPEN HEARING TO HEAR
MOTION TO CONFIRM NON-
COMPLIANCE WITH CONDITION NO. 4,
OR, ALTERNATIVELY, PETITION FOR
DECLARATORY ORDERS CONCERNING
THE SAME; CERTIFICATE OF SERVICE**

**UNIVERSITY OF HAWAI'I AT HILO'S SUBSTANTIVE JOINDER
TO TMT INTERNATIONAL OBSERVATORY LLC'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER, RE: MAUNA KEA HUI'S MOTION
TO REOPEN HEARING TO HEAR MOTION TO CONFIRM NON-COMPLIANCE WITH CONDITION
NO. 4, OR, ALTERNATIVELY, PETITION FOR DECLARATORY ORDERS CONCERNING THE SAME**

The University of Hawai'i at Hilo ("University"), by and through its attorneys, hereby
substantively joins in TMT International Observatory LLC's Proposed Findings of Fact,

Conclusions of law, and Decision and Order, re: Mauna Kea Hui's Motion to Reopen Hearing to

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
Dec 20, 2023

Hear Motion to Confirm Non-Compliance with Condition No. 4, or, Alternatively, Petition for Declaratory Orders Concerning the Same, filed on December 20, 2023 (“Proposed Order”), pursuant to Hawai‘i Administrative Rules § 13-1-38, and as directed by the Chairperson of the Board of Land and Natural Resources (“BLNR”).

University has reviewed the Proposed Order, and it accurately comports with the record.

By this substantive joinder, University respectfully requests that BLNR adopt the Proposed Order and, accordingly, deny the Motion to Reopen Hearing to Hear Motion to Confirm Non-Compliance With Condition No. 4, or, Alternatively, Petition for Declaratory Orders Concerning the Same, filed by Petitioners Mauna Kea Anaina Hou, Kealoha Pisciotta, Clarence Kukauakahi Ching, Deborah J. Ward, Paul K. Neves, and KAHEA: The Hawaiian-Environmental Alliance, on May 24, 2021.

DATED: Honolulu, Hawai‘i, December 20, 2023.

/s/ Jesse K. Souki
CARRIE K. S. OKINAGA
University General Counsel
GARY Y. TAKEUCHI
University Deputy General Counsel
JESSE K. SOUKI
Associate General Counsel
Attorneys for
UNIVERSITY OF HAWAI‘I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

The Petition of Mauna Kea Hui for a
Declaratory Order Filed May 24, 2021.

Case No. HA-22-02

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the following document:

UNIVERSITY OF HAWAI'I AT HILO'S SUBSTANTIVE JOINDER TO TMT
INTERNATIONAL OBSERVATORY LLC'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND DECISION AND ORDER, RE: MAUNA KEA HUI'S
MOTION TO REOPEN HEARING TO HEAR MOTION TO CONFIRM NON-
COMPLIANCE WITH CONDITION NO. 4, OR, ALTERNATIVELY, PETITION FOR
DECLARATORY ORDERS CONCERNING THE SAME

Was duly served upon the following parties, by email, on December 20, 2023:

Michael Cain, Custodian of Records – Board of Land and Natural Resources Michael.cain@hawaii.gov	Linda L.W. Chow, Esq. Linda.L.Chow@hawaii.gov Lauren K. Chun, Esq. Lauren.K.Chun@hawaii.gov Deputy Attorneys General Attorneys for the Board of Land and Natural Resources
Richard Naiwieha Wurdeman, Esq. RNWurdeman@RNWLaw.com Bianca Isaki, Esq. bianca.isaki@gmail.com Attorneys for Mauna Kea Hui, KAHEA, Mauna Kea Anaina Hou, Clarence Ching, Kealoha Pisciotta, Deborah Ward, and Paul Neves	J. Douglas Ing, Esq. - douging@wik.com Brian A. Kang, Esq. – bkang@wik.com Ross Shinyama, Esq. – rshinyama@wik.com Summer H. Kaiawe, Esq. – skaiawe@wik.com Watanabe Ing LLP Attorneys for TMT International Observatory, LLC
Lincoln S.T. Ashida, Esq. - lsa@torkildson.com Newton J. Chu, Esq. – njc@torkildson.com Torkildson, Katz, Hetherington, Harris & Knorek	Harry Fergerstrom – hankhawaiian@yahoo.com

Attorneys for Perpetuating Unique Educational Opportunities (PUEO)	
Richard L. DeLeon – kekaukike@msn.com	Mehana Kihoi – uhiwai@live.com
C. M. Kaho’okahi Kanuha - kahookani@gmail.com	Cindy Freitas – hanahanai@hawaii.rr.com
Maelani Lee - maelanilee@yahoo.com	Larry Alan Sinkin - lanny.sinkin@gmail.com The Temple of Lono
Kalikolehua Kanaele – akulele@yahoo.com	Glen Kila – makakila@gmail.com
Tiffnie Kakalia – tiffniekakalia@gmail.com	Brannon Kamahana Kealoha – brannonk@hawaii.edu
Dwight J. Vicente – dwightjvicente@gmail.com	William Freitas – kukulukuula@gmail.com , pohaku7@yahoo.com
Joseph Kualii Lindsey Camara kualiic@hotmail.com	Flores-Case ‘Ohana c/o E. Kalani Flores & B. Pualani Case 08ef80@gmail.com

The undersigned also certifies that a copy of the document was served upon the following parties, by U.S. mail, on December 20, 2023:

J. Leina’ala Sleightholm
P.O. Box 383035
Waikoloa, HI 96738

Stephanie-Malia Tabbada
P.O. Box 194
Naalehu, HI 96772

DATED: Honolulu, Hawai’i, December 20, 2023.

/s/ Jesse K. Souki
CARRIE K. S. OKINAGA
University General Counsel
GARY Y. TAKEUCHI
University Deputy General Counsel
JESSE K. SOUKI
Associate General Counsel
Attorneys for Respondent
UNIVERSITY OF HAWAI’I AT HILO