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CARLSMITH BALL LLP

ORIGINAL

IAN L. SANDISON 5597
TIM LUI-KWAN 2271
LINDSAY N. MCANEELEY 8810
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, HI 96813
Tel No. 808.523.2500
Fax No. 808.523.0842

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L. Chinen
L. CHINEN, CLERK
THIRD CIRCUIT COURT
STATE OF HAWAII

Attorneys for Appellee
UNIVERSITY OF HAWAI'I AT HILO

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
STATE OF HAWAI'I

MAUNA KEA AINANA HOU; KEALOHA
PISCIOTTA; CLARENCE KUKAUAKAHI
CHING; FLORES-CASE 'OHANA;
DEBORAH J. WARD; PAUL K. NEVES; and
KAHEA: THE HAWAIIAN
ENVIRONMENTAL ALLIANCE, a domestic
non-profit corporation,

Appellants,

vs.

BOARD OF LAND AND NATURAL
RESOURCES, STATE OF HAWAI'I;
DEPARTMENT OF LAND AND NATURAL
RESOURCES, STATE OF HAWAI'I;
SUZANNE D. CASE, in her official capacity
as Chair of the Board of Land and Natural
Resources and Director of the Department of
Land and Natural Resources; and
UNIVERSITY OF HAWAI'I AT HILO,

Appellees.

CIVIL NO. 13-1-0349
(AGENCY APPEAL)

ORDER FOR REMAND


[RE: CAAP-14-0873; SCAP-14-0873]

ORDER FOR REMAND

Pursuant to the opinion of the Supreme Court of the State of Hawai'i entered on
December 2, 2015 (the "**Opinion**"), and the related Judgment on Appeal entered on December

29, 2015, this Court hereby vacates the Board of Land and Natural Resources' *Findings of Fact, Conclusions of Law and Decision and Order*, dated April 12, 2013, DLNR Docket No. HA-11-05 and vacates the issuance of the Conservation District Use Permit, and remands this matter to the Board of Land and Natural Resources so that a contested case hearing can be conducted before the Board or a new hearing officer, or for other proceedings consistent with the Opinion.

DATED: Hilo, Hawai'i, February ____, 2016. FEB 22 2016



JUDGE OF THE ABOVE-ENTITLED COURT
GREG K. NAKAMURA

APPROVED AS TO FORM:



IAN L. SANDISON
TIM LUI-KWAN
LINDSAY N. MCANEELEY

Attorneys for Appellee
UNIVERSITY OF HAWAI'I AT HILO



Attorney for Appellants
MAUNA KEA AINANA HOU; KEAOLOHA
PISCIOTTA; CLARENCE KUKAUAKAHI
CHING; FLORES-CASE 'OHANA;
DEBORAH J. WARD; PAUL K. NEVES; and
KAHEA: THE HAWAIIAN
ENVIRONMENTAL ALLIANCE, a domestic
non-profit corporation



DOUGLAS S. CHIN
WILLIAM J. WYNHOFF
JULIE H. CHINA

Attorneys for Appellees
BOARD OF LAND AND NATURAL
RESOURCES, STATE OF HAWAI'I AND
DEPARTMENT OF LAND AND
NATURAL RESOURCES, STATE OF
HAWAI'I, AND SUZANNE D. CASE, in
her official capacity as Chair of the Board of
Land and Natural Resources and Director of
the Department of Land and Natural
Resources

Mauna Kea Ainana Hou et al. vs. Board of Land and Natural Resources et al., Civil No. 13-1-0349; ORDER FOR REMAND