

**Electronically Filed  
Supreme Court  
SCAP-14-0000873  
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SCAP-14-0000873

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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MAUNA KEA ANAINA HOU; CLARENCE KUKAUAKAHI CHING; FLORES-CASE  
‘OHANA; DEBORAH J. WARD; PAUL K. NEVES; and KAHEA: THE HAWAIIAN  
ENVIRONMENTAL ALLIANCE, a domestic non-profit corporation,  
Appellants-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-Appellees.

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APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT  
(CAAP-14-0000873; CIV. NO. 13-1-0349)

JUDGMENT ON APPEAL

(By: Recktenwald, C.J., for the court<sup>1</sup>)

Pursuant to the opinion of the Supreme Court of the  
State of Hawai‘i entered on December 2, 2015,

The Circuit Court of the Third Circuit’s May 5, 2014  
Decision and Order Affirming Board of Land and Natural Resources,  
State of Hawaii’s Findings of Fact, Conclusions of Law and  
Decision and Order Granting Conservation District Use Permit for

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<sup>1</sup>Court: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.

the Thirty Meter Telescope at the Mauna Kea Science Reserve Dated April 12, 2013, and final judgment filed on May 4, 2014, are vacated.

The matter is remanded to the circuit court to further remand 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: Honolulu, Hawai'i, December 29, 2015.

Mark E. Recktenwald

