

**Electronically Filed
Supreme Court
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SCOT-16-0000788

IN THE SUPREME COURT OF THE STATE OF HAWAII

MAUNA KEA ANAINA HOU and 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, Petitioners-Appellants,

vs.

BOARD OF LAND AND NATURAL RESOURCES, STATE OF HAWAII; DEPARTMENT OF LAND AND NATURAL RESOURCES, STATE OF HAWAII; SUZANNE 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 HAWAII AT HILO, Respondents-Appellees,

and

TMT INTERNATIONAL OBSERVATORY, LLC; HARRY FERGERSTROM; MEHANA KIHAI; C.M. KAHO'OKAHI KANUHA; JOSEPH KUALI'I LINDSEY CAMARA; J. LEINA'ALA SLEIGHTHOLM; MAELANI LEE; THE TEMPLE OF LONO; KALIKOLEHUA KANAELI; PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES, INC.; STEPHANIE-MALIA TABBADA; TIFFNIE KAKALIA; GLEN KILA; DWIGHT J. VICENTE; BRANNON KAMAHANA KEALOHA; CINDY FREITAS, AND WILLIAM FREITAS, Intervenors-Appellees.

APPEAL FROM THE BOARD OF LAND AND NATURAL RESOURCES
(BLNR-CC-16-002 (Agency Appeal))

ORDER DISMISSING APPEAL FOR LACK OF APPELLATE JURISDICTION
(By: Recktenwald, C.J., McKenna, Pollack, and Wilson, JJ., and Circuit Judge Nishimura, in place of Nakayama, J., recused)

Upon consideration of (1) respondent-appellee Board of Land and Natural Resources, State of Hawai'i's motion to dismiss appeal for lack of appellate jurisdiction, filed on November 10,

2016, (2) respondent-appellee University of Hawai'i at Hilo's motion to dismiss appeal of lack of appellate jurisdiction, filed on November 14, 2016, (3) intervenor-appellee TMT International Observatory, LLC's joinder to respondent-appellee University of Hawai'i at Hilo's motion to dismiss appeal of lack of appellate jurisdiction, filed on November 14, 2016, (4) petitioners-appellants Mauna Kea Anaina Hou and Kealoha Prisciotta, Clarence Kukauakahi Ching, Flores-Case Ohana, Deborah J. Ward, Paul K. Neves, and Kahea: The Hawaiian Environmental Alliance's (collectively, "Appellants") opposition to the motions to dismiss and joinder, filed on November 18, 2016, (5) the respective supporting documents, and (6) the record herein, it appears that this court lacks jurisdiction over Appellants' appeal. Accordingly,

IT IS HEREBY ORDERED that the appeal is dismissed for lack of appellate jurisdiction.¹

DATED: Honolulu, Hawai'i, December 2, 2016.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

/s/ Rhonda A. Nishimura



¹ As this court does not have jurisdiction over the appeal, all other requests for relief are dismissed.