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OUR REFERENCE NO.:
053538-00022

December 7, 2017

HAND DELIVERY

Douglas S. Chin, Esq.
Attorney General of the State of Hawai'i
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

Re: **Flores v. Board of Land and Natural Resources, et al., Civil No. 14-1-324**

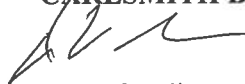
Dear Attorney General Chin:

On behalf of the University of Hawai'i at Hilo and TMT International Observatory, LLC, we submit our collective request that the Board of Land and Natural Resources ("**Board**") not initiate at this time a contested case proceeding for the above-referenced matter. Given the passage of time, the case is pending before the Hawai'i Supreme Court ("**Court**") on appeal, and the full contested case hearing in BLNR-CC-16-002 has been completed, with Mr. Flores's full participation. While initiating a contested case proceeding was not limited by any court, as a matter of judicial economy and to avoid duplication or conflicting results, it is appropriate to allow the Supreme Court to fully consider the already briefed appeal and await the decision-making process.

We would be happy to provide additional information or answer any questions the Board may have about the pending processes to avoid proceeding while the underlying issue about the applicability of a contested case hearing is pending with the Supreme Court.

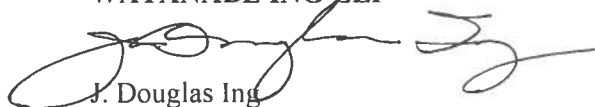
Sincerely,

CARLSMITH BALL LLP



Ian L. Sandison

WATANABE ING LLP



J. Douglas Ing

cc: David Kopper, Esq., Attorney for Petitioner
Julie China, Deputy Attorney General

HONOLULU

HILO

KONA

MAUI

LOS ANGELES