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J. DOUGLAS ING #1538-0
ROSS T. SHINYAMA #8830-0
SUMMER H. KAIawe #9599-0
First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Telephone No.: (808) 544-8300
Facsimile No.: (808) 544-8399
E-mails: rshinyama@wik.com

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Attorneys for
TMT INTERNATIONAL OBSERVATORY, LLC

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF

Case No. BLNR-CC-16-002

A Contested Case Hearing Re
Conservation District Use
Permit (CDUP) HA-3568 for the
Thirty Meter Telescope at the
Mauna Kea Science Reserve,
Kaohe Mauka, Hamakua District,
Island of Hawaii, TMK (3) 4-4-
015:009

**TMT INTERNATIONAL OBSERVATORY,
LLC'S OBJECTIONS TO (1) TEMPLE
OF LONO MOTION FOR
RECONSIDERATION; (2) TEMPLE OF
LONO MOTION TO FILE MOTION OUT
OF TIME; and (3) JOSEPH K.L.
CAMARA'S JOINDER TO RICHARD
NAIWIEHA WURDERMAN'S MOTION TO
STRIKE CONSERVATION
DISTRICT USE APPLICATION, HA-
3568 DATED SEPTEMBER 2, 2010
AND/OR MOTION FOR SUMMARY
JUDGMENT; CERTIFICATE OF
SERVICE**

**TMT INTERNATIONAL OBSERVATORY, LLC'S OBJECTIONS TO (1) TEMPLE OF
LONO MOTION FOR RECONSIDERATION; (2) TEMPLE OF LONO MOTION TO
FILE MOTION OUT OF TIME; and (3) JOSEPH K.L. CAMARA'S JOINDER TO
RICHARD NAIWIEHA WURDERMAN'S MOTION TO STRIKE CONSERVATION
DISTRICT USE APPLICATION, HA-3568 DATED SEPTEMBER 2, 2010 AND/OR
MOTION FOR SUMMARY JUDGMENT**

TMT International Observatory, LLC ("TIO"), by and through its undersigned counsel, hereby submits its Objections to (1) Temple of Lono Motion for Reconsideration ("ToL Reconsideration Motion"); (2) Temple of Lono Motion to File Motion Out of Time ("ToL Motion to File"); and (3) Joseph K.L. Camara's Joinder to Richard Naiwieha Wurderman's Motion to Strike Conservation District Use Application, HA-3568 Dated September 2, 2010 ("Camara Motion") (collectively referred to herein as the "Motions").

The deadline to file pre-hearing motions passed on July 18, 2016. See Minute Order No. 13 at 6 [Doc-115]. The deadline to file responses to pre-hearing motions passed on August 1, 2016. See id. The hearing on pre-hearing motions was held on August 5, 2016. See id. During the hearing on the pre-hearing motions, the Hearings Officer, in an exchange with the Temple of Lono's ("ToL") representative, Lanny Sinkin, made it expressly clear to Mr. Sinkin that the deadline to file pre-hearing motions had already expired and that ToL was not permitted to file additional pre-hearing motions. Subsequently, and in clear contravention of the Hearings Officer's clear instructions, Mr. Sinkin and ToL e-mailed the ToL Reconsideration Motion to all parties on August 7, 2016. Mr. Sinkin and ToL also e-mailed the ToL Motion to File to all parties on August 8, 2016. Both the ToL Reconsideration Motion and the ToL Motion to File are

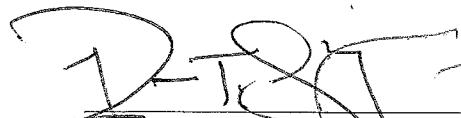
untimely and should be denied on that basis alone. TIO respectfully submits that the Hearings Officer should deny both motions on August 12, 2016 for being untimely. To the extent that the Hearings Officer is nevertheless inclined to hear both motions on August 12, 2016, TIO opposes both motions and respectfully requests to be heard on both motions on August 12, 2016. Indeed, as TIO will demonstrate on August 12, 2016, both motions are meritless.

During the August 5, 2016 hearing on the pre-hearing motions, Mr. Camara requested, and the Hearings Officer granted him, leave to file a joinder in support of the Motion to Strike Conservation District Use Application, HA - 3566, Dated September 2, 2010 and/or Motion for Summary Judgment ("Motion to Strike") [Doc-94]. The Camara Motion, however, goes far beyond a mere joinder to the Motion to Strike as it goes "[b]eyond the arguments posed [in the Motion to Strike]." Id. at 1. It goes beyond the limited leave granted by the Hearings Officer. Instead, the Camara Motion is a new motion (not a joinder) that makes totally separate arguments - i.e., that the Environmental Impact Statement ("EIS") is outdated - and requests separate relief - i.e., that the EIS be declared invalid and a new EIS be required - from the Motion to Strike. The Hearings Officer granted Mr. Camara leave to file a joinder. The Hearings Officer did not grant Mr. Camara leave to file an untimely

motion, one to which TIO has not had an opportunity to substantively address. The Camara Motion should be denied on that basis alone. TIO respectfully submits that the Hearings Officer should deny the Camara Motion on August 12, 2016 for being untimely. To the extent that the Hearings Officer is nevertheless inclined to hear the Camara Motion on August 12, 2016, TIO opposes the Camara Motion and respectfully requests to be heard on the Camara Motion on August 12, 2016. Indeed, as TIO will demonstrate on August 12, 2016, the Camara Motion is meritless.

TIO respectfully submits that the Motions should be denied for being untimely. Indeed, the Motions were all filed after the July 18, 2016 deadline for pre-hearing motions stated in Minute Order No. 13. To the extent the Hearings Officer is nevertheless inclined to hear the Motions on August 12, 2016, TIO opposes the Motions and respectfully requests to be heard on the Motions on August 12, 2016.

DATED: Honolulu, Hawaii, August 9, 2016.



J. DOUGLAS ING
ROSS T. SHINYAMA
SUMNER H. KAIawe
Attorneys for **TMT INTERNATIONAL**
OBSERVATORY, LLC

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568
for the Thirty Meter Telescope at the Mauna
Kea Science Reserve, Ka'ohē Mauka,
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

Carlsmith Ball LLP
isandison@carlsmith.com
*Counsel for the applicant
University of Hawai'i at Hilo*

Richard N. Wurdeman
RNWurdeman@RNWLAW.com
*Counsel for the petitioners Mauna
Kea Anaina Hou, Clarence
Kukauakahi Ching, Flores-Case
'Ohana, Deborah J. Ward, Paul K.
Neves, and Kahea: The
Environmental Alliance*

Harry Fergerstrom
P.O. Box 951
Kurtistown, HI 96760

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore,
Hetherington & Harris
lisa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leina.ala.s808@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
*Representative for The Temple of
Lono*

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

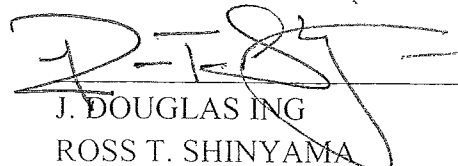
Brannon Kamahana Kealoha
brannonk@hawaii.edu

Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

Richard L. DeLeon
kekaukike@msn.com

DATED: Honolulu, Hawaii, August 9, 2016.



J. DOUGLAS ING
ROSS T. SHINYAMA
Attorneys for TMT International Observatory LLC