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Lay representative for Temple of Lono

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF	) Case No. BLNR-CC-16-002
	)
A Contested Case Hearing Re Conservation)	
District Use Permit (CDUP) (HA-3568 for	) TEMPLE OF LONO
The Thirty Meter Telescope at the Mauna	) DESIGNATION OF WITNESSES
Kea Science Reserve, Kaohe Mauka,	) FOR CROSS EXAMINATION; COS
Hamakua District, Island of Hawai'i,	)
TMK (3) 4-4-015:009	)
	)

TEMPLE OF LONO DESIGNATION OF WITNESSES FOR CROSS EXAMINATION

Under the schedule adopted at the last pre-hearing conference on October 3, 2016, the deadline for all parties to submit an opening statement, witness list, pre-filed testimony, exhibit list, and exhibits was October 11, 2016 at 4:30 p.m.¹

The deadline for all parties to designate witnesses for cross-examination was set for October 14, 2016.

¹ No Minute Order has been issued for the pre-hearing conference on October 3, 2016. Despite repeated requests from various parties for the transcripts to be made available for review, the Hearing Officer has refused to provide access to the transcripts for those who cannot afford them. As a result, the parties that lack the thousands of dollars to buy the transcripts cannot provide citations or excerpts of the record in support of factual assertions regarding what took place during any of the pre-hearing conferences.

As of October 14, 2016, the submittals to the Custodian of Records² are:

Party	Prehearing (pages)	Witnesses	Exhibits
UH	30	15	122
Mauna Kea Anaina	14	21	117
TIO	55	10	34
Mehana Kihoi	2	7	15
Joseph Camara	(missing)	4	9
PUEO	4	5	
Temple of Lono	5	1	15
Kalikolehua Kanaele		3	1
Tiffanie Kakalia	2	4	15
Dwight Vicente	3	1	
Brannon Kamahana Kealoha	13	1	9
Cindy Freitas	4	2	6
William Freitas		3	21
TOTALS	132	77	364 ³

Under the Hearing Officer's schedule, the Temple of Lono is required to review and understand 127 pages of opening statements, 76 witness statements, and 359 exhibits⁴ in three days to determine which witnesses to designate for cross-examination.

Those three days are also part of the week preceding the initiation of the Contested Case Hearing on October 18, 2016. That first hearing day begins with the

² <http://dlnr.hawaii.gov/mk/evidentiary-hearing-submittals/>

³ Of course the exhibit count is the number of exhibits; those exhibits contain hundreds of pages.

⁴ This count differs from the chart because the Temple's pleadings are excluded.

Applicant's case for which the Applicant has submitted a 30 page pre-hearing statement, 15 witness statements, and 122 exhibits.⁵

The Temple is thus required to prepare for the first day of the Contested Case Hearing now scheduled for October 18, 2016, while also reviewing all the opening statements, pre-filed testimony, and exhibits submitted to determine which witnesses to designate for cross examination.

Given the totally unreasonable schedule and the voluminous submissions, the Temple has no choice other than to designate all witnesses for cross-examination and then try to release such designations as the hearing progresses.

Dated: October 14, 2016

Respectfully Submitted,

_____/s/_____
Lanny Alan Sinkin
Lay representative for Temple of Lono

⁵ During the same time period, the Temple has had to deal with the Telescope International Observatory LLC's failure to serve its pleadings on all parties. See Temple of Lono Motion to Strike for Failure to Serve or Extension of Time and Rescheduling of Hearing and two supplements thereto filed on October 12 and 13.

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FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation)
District Use Permit (CDUP) HA-3568 for) **CERTIFICATE OF SERVICE**
The Thirty Meter Telescope at the Mauna)
Kea Science Reserve, Kaohe Mauka,)
Hamakua District, Island of Hawai'i,)
TMK (3) 4-4-015:009)
_____)

CERTIFICATE OF SERVICE

I hereby certify that on this day a copy of the **TEMPLE OF LONO DESIGNATION OF WITNESSES FOR CROSS-EXAMINATION** was served on the following parties by eMail on October 14, 2016:

Michael Cain <michael.cain@hawaii.gov>, Kealoha Pisciotto-Keomailani Von Gogh <keomaivg@gmail.com>, Clarence Ching <kahiwaL@cs.com>, Uncle Kalani Flores <ekflores@hawaiiantel.net>, Pua Case <puacase@hawaiiantel.net>, cordylinacolor@gmail.com, kealiikea@yahoo.com, Bianca Isaki <bianca@kahea.org>, Ian Sandison <isandison@carlsmith.com>, tluikwan@carlsmith.com, John P. (Pete) Manaut <jpm@carlsmith.com>, Lindsay N. McAneeley <lmcaneley@carlsmith.com>, T. Shinyama' <RShinyama@wik.com>, douging@wik.com <douging@wik.com>, mehana kihoi <uhiwai@live.com>, Kahookahi Kanuha <kahookahi@gmail.com>, Joseph Camara <kualiic@hotmail.com>, lsa@torkildson.com <lsa@torkildson.com>, njc@torkildson.com <njc@torkildson.com>, leina'ala s <leinaala.mauna@gmail.com>, Maelani Lee <maelanilee@yahoo.com>, Lanny Sinkin <lanny.sinkin@gmail.com>, akulele@yahoo.com <akulele@yahoo.com>, s.tabbada@hawaiiantel.net <s.tabbada@hawaiiantel.net>, tiffniekakalia <tiffniekakalia@gmail.com>, Glen Kila <makakila@gmail.com>, Brannon Kealoha <brannonk@hawaii.edu>, hanahanai@hawaii.rr.com <hanahanai@hawaii.rr.com>, pohaku7@yahoo.com <pohaku7@yahoo.com>, Ivy McIntosh <3popoki@gmail.com>, Kealamakia Jr. <mkealama@yahoo.com>, Patricia Ikeda

peheakeanila@gmail.com, Yuklin Aluli yuklin@kailualaw.com, Dexter Kaiama
<cdexk@hotmail.com>

and will be served by first class mail on October 14, 2016 to:

1. Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

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

3. Michael Cain, Custodian of Records
Conservation and Coastal Lands
1151 Punchbowl, Room 131
Honolulu, Hawai'i 96813

Dated: October 14, 2016

_____/s/_____
Lanny Alan Sinkin