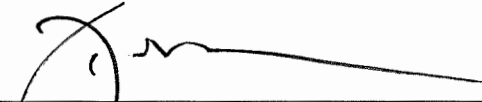


motion is made pursuant to Hawai'i Administrative Rules ("HAR") §§ 13-1-32, 34, and 35.

DATED: Kailua, Hawaii, 2/28/17.



Yuklin Aluli
Dexter K. Kaiama
Co-counsel for Petitioner KAHEA:
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

10, KAHEA moves to admit into the record the following testimony and documentary evidence:

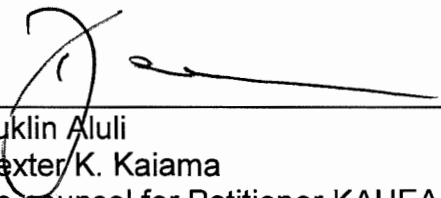
WRITTEN DIRECT TESTIMONY

Ex. No.	Description
B.57	Testimony of Brian Kawaka Cruz

Moreover, KAHEA reserves the right to supplement this motion based on additional evidence introduced during cross-examination and/or rebuttal.

Based on the foregoing, KAHEA respectfully requests that the Hearing Officer grant this Motion.

DATED: Kailua, Hawaii, 2/28/17.



Yuklin Aluli
Dexter K. Kaiama
Co-counsel for Petitioner KAHEA:
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of:) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re) MEMORANDUM IN SUPPORT
Conservation District Use Permit) OF MOTION
(COUP) HA-3568 for the Thirty Meter)
Telescope at the Mauna Kea Science)
Reserve, Kaohe Mauka, Hamakua)
District, Island of Hawai'i, TMK (3) 4-4-)
015:009)
)
)
_____)

MEMORANDUM IN SUPPORT OF MOTION

On February 16, 2017, KAHEA: The Hawaiian Environmental Alliance (“KAHEA”) rested its case in the above entitled matter. KAHEA now moves to admit into evidence the written direct testimony (“WDT”) of its witnesses and the exhibits introduced therein during the contested case hearing. The proposed evidence is in accordance with Hawai'i Revised Statutes (“HRS”) § 91-10 governing the admissibility of evidence in agency proceedings:

Except as provided in section 91-8.5, ***any oral or documentary evidence may be received***, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The agencies shall give effect to the rules of privilege recognized by law[.]
HRS § 91-10(l) (emphases added)

The evidence presented by KAHEA is relevant, material, and is not privileged or unduly repetitious, and is therefore admissible under the liberal standard of the admissibility of evidence in administrative hearings. Therefore, pursuant to HRS § 91-

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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

BLNR Contested Case HA-16-02

CERTIFICATE OF SERVICE

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

Michael Cain
michael.cain@hawaii.gov
Custodian of the Records

Office of Conservation and Coastal
Lands
Dlnr.maunakea@hawaii.gov

Carlsmith Ball LLP
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
*Counsels for the applicant University
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea
Anaina Hou
keomaivg@gmail.com

Clarence Kukauakahi Ching
kahiwal@cs.com

E. Kalani Flores
ekflores@hawaiiantel.net

B. Pualani Case
puacase@hawaiiantel.net

Deborah J. Ward
cordylinecolor@gmail.com

Paul K. Neves
kealiikea@yahoo.com

Watanabe Ing LLP
First Hawaiian Center, Suite 1250
999 Bishop Street
Honolulu, HI 96813
rshinyama@wik.com
douging@wik.com
*Counsels for TMT International
Observatory, LLC*

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

Mehana Kihoi
uhiwai@live.com

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

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

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

J. Leina'ala Sleightholm
leinaala.mauna@gmail.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

Wilma H. Holi
w_holi@hotmail.com
copy: lehina@hawaii.rr.com
Witness for the Hearing Officer

Moses Kealamakia Jr.
mkealama@yahoo.com
Witness for the Hearing Officer

Signature:
Name:
Date:


Dexter K. Konia
2/22/17