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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	)	<b>KAHEA: THE HAWAIIAN</b>
Conservation District Use Permit	)	<b>ENVIRONMENTAL ALLIANCE'S</b>
(COUP) HA-3568 for the Thirty Meter	)	<b>SECOND SUPPLEMENTAL MOTION</b>
Telescope at the Mauna Kea Science	)	<b>TO ADMIT EXHIBITS AND WRITTEN</b>
Reserve, Kaohe Mauka, Hamakua	)	<b>DIRECT TESTIMONY INTO EVIDENCE;</b>
District, Island of Hawai'i, TMK (3) 4-4-	)	<b>MEMORANDUM IN SUPPORT OF</b>
015:009	)	<b>MOTION; CERTIFICATE OF SERVICE</b>
	)	
	)	
	)	Hearings Officer: Honorable Riki Amano
	)	(Retired)

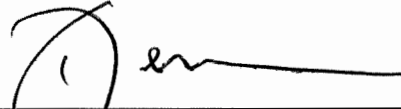
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**KAHEA: THE HAWAIIAN ENVIRONMENTAL ALLIANCE'S  
SECOND SUPPLEMENTAL MOTION TO ADMIT EXHIBITS  
AND WRITTEN DIRECT TESTIMONY INTO EVIDENCE**

KAHEA: The Hawaiian Environmental Alliance ("KAHEA"), by and through its  
counsel Yuklin Aluli and Dexter K. Kaiama, hereby submits its Second Supplemental  
Motion to Admit Exhibits and Written Direct Testimony Into Evidence ("Motion"). This

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

DATED: Kailua, Hawaii, 3/8/2017.



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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 files its Second Supplemental Motion (previously filed/uploaded its Motion to Admit Exhibits and Written Direct testimony Into Evidence, on February 21, 2017 and its First Supplemental Motion to Admit Exhibits and Written Direct testimony Into Evidence on February 28, 2017) to admit into evidence the exhibit referenced herein below. 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 § 91-10, KAHEA moves to admit into the record the following testimony and documentary evidence:

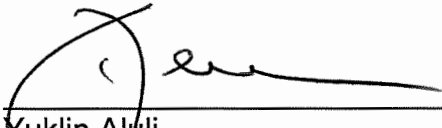
**WRITTEN DIRECT TESTIMONY**

Ex. No.	Description
B.80	Response of Marti Townsend on February 14, 2017 to the Environment Hawaii blog "In TMT Hearing, Sierra Club Director Makes Several Dubious Assertions" published February 3, 2017

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, 3/8/2017.

  
\_\_\_\_\_  
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

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,  
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:

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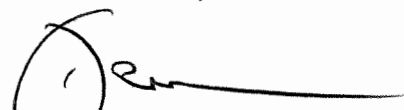
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*Witness for the Hearing Officer*

Signature:

Name:

Date:

  
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3/8/17