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UNIVERSITY OF HAWAI'I AT HILO

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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

Case No. BLNR-CC-16-002

UNIVERSITY OF HAWAI'I AT HILO'S
OPPOSITION TO MOTIONS TO ADMIT
EXHIBITS AND WRITTEN DIRECT
TESTIMONY; CERTIFICATE OF
SERVICE

**UNIVERSITY OF HAWAI'I AT HILO'S OPPOSITION TO
MOTIONS TO ADMIT EXHIBITS AND WRITTEN DIRECT TESTIMONY**

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Applicant University of Hawai‘i at Hilo (The “**University**”), through counsel, submits this combined Opposition to Motions to Admit Exhibits and Written Direct Testimony (“**Opposition**”) in order to object to the various parties’ motions and exhibits sought to be admitted, as identified more specifically below. This Opposition is made pursuant to Hawai‘i Administrative Rules (“**HAR**”) §§ 13-1-32, 34, and 35.

I. LEGAL STANDARD

Hawai‘i Revised Statutes § 91-10(1) sets forth the legal standard for the admission of evidence in a contested case hearing before an agency, including the Board of Land and Natural Resources (“**Board**”), and provides:

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[.]

The Board’s administrative rules further give the Hearing Officer discretion “in the admission of rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view of doing substantial justice.” HAR § 13-1-35(a).¹

II. GENERAL OBJECTIONS

At the close of the evidentiary proceedings on March 2, 2017, the Hearing Officer set

¹ The University incorporates by reference the legal arguments made in: (a) TMT International Observatory, LLC’s (“**TIO**”) Hearing Memorandum Re: Standard for Admissibility of Evidence, filed October 19, 2016 [Doc. 394]; (b) TIO’s Supplemental Hearing Memorandum Re: Standard for Admissibility of Evidence, filed October 27, 2016 [Doc. 405]; and (c) the University’s Joinder to TIO’s Memorandum Re: Standard for Admissibility of Evidence, filed October 24, 2016 [Doc. 402], as amended by the University’s Amended Joinder to TIO’s Memorandum Re: Standard for Admissibility of Evidence, filed October 24, 2016 [Doc. 404].

March 9, 2017 as the deadline for the parties to move all exhibits into evidence, and March 16, 2017 as the deadline to object to those motions. On March 9, 2017, the University filed its Supplemental Motion to Admit Exhibits and Written Direct Testimony Into Evidence and Objection to Admission of Certain Exhibits and Written Direct Testimony (“**Supplemental Motion**”) [Doc. 506]. The Supplemental Motion sought to admit exhibits that the University introduced into evidence since it filed its January 17, 2017 Motion to Admit Exhibits and Written Direct Testimony [Doc. 442] (“**Motion**”).

Because the transcripts of the evidentiary hearings were incomplete when the Supplemental Motion was filed, specific exhibits to which the University objects could not be identified with certainty. In its Supplemental Motion, the University objected to the admission of evidence by other parties, on several specific grounds, including that the evidence proffered (1) does not meet the admissibility standard of HRS § 91-10(1); (2) is immaterial, irrelevant, or unduly repetitious; (3) was not introduced through the written direct testimony of any witness; (4) was not testified to by a witness at the hearing; and/or (5) was submitted by parties after the close of the evidentiary hearing on March 2, 2017. Supplemental Motion at 1-3. The University hereby restates and incorporates by reference those same objections here as applicable to the materials referenced in the various parties’ motions filed by March 9, 2017, and for those exhibits specifically identified below. The University further opposes the various exhibits and written direct testimony to the extent that they are: (6) outside the scope of issues identified in Minute Order No. 19, dated September 23, 2016 [Doc. 281]; (7) were filed with the Board but not expressly moved into evidence by the parties; (8) improper rebuttal; (9) additional rebuttal or direct testimony not subject to cross-examination; or (10) are the legal arguments of the parties

or counsel and thus are not evidence (*i.e.*, prehearing statements and/or pleadings).²

Because the transcripts of the evidentiary hearings remain incomplete as of the filing date of this Opposition, the University is still unable to determine with certainty the appropriate objections to the hundreds of exhibits sought to be introduced through the parties' motions. As such, the University hereby asserts each of its General Objections to any exhibits and written direct testimony to the extent applicable, and reserves the right to object further as transcripts become available. For exhibits or written direct testimony *not* specifically objected to below, the University does not waive any rights to object to such exhibits and reserves the right to argue the weight and credibility of such exhibits through its proposed findings of fact, conclusions of law, and decision and order.

III. SPECIFIC OBJECTIONS³

A. THE ORIGINAL NAMED PETITIONERS (B) [DOCS. 472, 482, 483, 486, 487, 488, 497, 500, 505, 507, AND 509]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Mauna Kea Anaina Hou ("MKAH"), Kealoha Pisciotta, and Paul Neves (collectively, the "MKAH Hui") (MKAH Hui Motion to Admit [Doc. 482]; MKAH Hui Supplemental Motion to Admit [Doc. 509]), Deborah Ward (Ward Motion to Admit [Doc. 483]; Ward Supplemental Motion to Admit [Doc. 507]), Clarence Kukauakahi Ching (Ching Motion to Admit [Doc. 488]; Ching Supplemental Motion to Admit [Doc. 497]), the Flores-Case Ohana (Flores-Case Motion to Admit [Doc. 487]; Flores-Case Supplemental Motion to Admit [Doc. 500]), and KAHEA (KAHEA Motion to Admit [Doc. 472]; KAHEA

² Objections (1) through (10) as discussed herein are collectively referred to as the "General Objections."

³ For ease of reference, the parties' individual motions to admit, regardless of the full name of the document, are hereinafter referred to as [PARTY'S NAME] Motion to Admit.

First Supplemental Motion to Admit [Doc. 486]; KAHEA Second Supplemental Motion to Admit [Doc. 505]) (collectively, the “**Original Named Petitioners**”).⁴

Additionally, MKAH Hui’s Motion to Admit [Doc. 482] expressly seeks to admit the written direct testimony of “all ‘B’ Petitioners and exhibits submitted[.]” MKAH Hui Motion to Admit at 1 [Doc. 482]; MKAH Hui Supplemental Motion to Admit at 2 [Doc. 509]. As an initial matter, the University objects to MKAH Hui’s Motion to Admit to the extent that it is contrary to the Hearing Officer’s order that each party’s motion must specify the exhibits to be moved into evidence. Furthermore, the Original Named Petitioners cross-examined witnesses and presented evidence and testimony as separate parties. It is clearly not appropriate for MKAH Hui to move to admit evidence and testimony proffered by other parties. Therefore, the University objects to MKAH Hui’s Motion to Admit to the extent it seeks to admit evidence and testimony presented by any party other than MKAH Hui.

In addition to the above-stated objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	PHS	Petitioners’ Collective Prehearing Statement	Objects to the extent this document contains the parties’ legal arguments and attorney argument, which are not evidence.
02/27/17		Amendment for Kealoha Pisciotta’s Oral Testimony Og [sic] February 20, 2017	Untimely. This amended WDT was filed after Ms. Pisciotta completed her cross-examination on February 13, 2017. This exhibit constitutes additional direct testimony and rebuttal testimony which the University did not have the opportunity to cross-examine her on.

⁴ The motions to admit exhibits and written testimony of the Original Named Petitioners are treated together in this section as the Original Named Petitioners collectively filed their exhibits and written direct testimony. *See* Petitioners’ Collective Exhibit List, filed October 11, 2016, and Petitioners’ Collective Final Witness List, filed October 11, 2016.

Date Filed	Ex. No.	Description	Specific Objection(s)
02/28/17		2nd Amendment to Kealoha Pisciotta's Oral Testimony OG [sic] February 20, 2017	Untimely. This amended WDT was filed after Ms. Pisciotta completed her cross-examination on February 13, 2017. This exhibit constitutes additional direct testimony and rebuttal testimony which the University did not have the opportunity to cross-examine her on.
10/11/16	B.01b	National Science Foundation Award Abstract to the TMT Corporation #0443999	Immaterial; irrelevant to this proceeding
10/11/16	B.01c	Amicus Brief of Abigail Kawananaoka filed in Mauna Kea Anaina Hou, et al, v. Bd. of Land and Natural Resources, et al, Civ. No. 13-1- 0349 (July, 22, 2015)	Legal argument is not evidence; immaterial and irrelevant to this proceeding
10/11/16	B.01d	HA-11- 05 Petitioners' Opening Brief TMT CCH (2011)	Legal argument is not evidence; immaterial and irrelevant to this proceeding
10/11/16	B.01e	HA-11- 05 Petitioners' Findings of Fact and Conclusions of Law, Proposed Decision and Order, TMT Contested Case Hearing (2011).	Legal argument is not evidence; immaterial and irrelevant to this proceeding
10/11/16	B.01f	Petitioners Combined Exceptions to Hearing Officer's proposed Findings of Fact, Conclusions of Law, and Proposed Decision and Order (2011).	Legal argument is not evidence; immaterial and irrelevant to this proceeding
10/11/16	B.01g	Petitioners' Combined Response to Applicant's Exceptions to Hearing Officer's proposed Findings of Fact, Conclusions of Law, and proposed Decision and Order.	Legal argument is not evidence; immaterial and irrelevant to this proceeding
10/11/16	B.01h	Kealoha Pisciotta's written direct testimony for and cross examination (September 26, 2011)	The 2011 WDT is duplicative of B.01a (2016 Pisciotta WDT)
10/11/16	B.01i	Kealoha Pisciotta's Closing Statement presented September 30, 2011.	Legal argument is not evidence
10/11/16	B.01m	Testimony of Kealoha Pisciotta and Kinohi Neves, Feb. 12, 2013 oral arguments	Legal argument is not evidence

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	B.01o	Request for Section 106 consultation on TMT proposal, Pisciotta comments to the TMT DEIS, July 7, 2009	Because Section 106 ⁵ does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding.
10/23/16	B.01p	Natl Bulletin 38 Guidelines for Evaluating TCPs	Because Section 106 does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding.
10/23/16	B.01r	Act 132, SLH 2009	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit
10/23/16	B.01s	Consideration of Cumulative Impacts, NEPA.pdf	Immaterial; not relevant to this proceeding
10/23/16	B.01u	ICA Mauna Kea Anaina Hou v. BLNR	The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits.
10/23/16	B.01ac	One dollar sublease 1987	Immaterial; not relevant to this proceeding
10/23/16	B.01ad	Gemini NSF Agreement \$1 yr p.16	Immaterial; not relevant to this proceeding
10/23/16	B.01ae	Operating Agreement Japan 1992	Immaterial; not relevant to this proceeding
10/23/16	B.01af	1983 SERC sublease	Immaterial; not relevant to this proceeding
10/23/16	B.01aj	Legal Fees Spike at UH	Immaterial; not relevant to this proceeding
01/05/17	B.01ap	NSF Planning \$1M	Immaterial; not relevant to this proceeding
01/05/17	B.01ar	SCAP-14-0000873 concurring opinion	The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits.
01/29/17	B.01as	Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook	Because Section 106 does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding.
02/09/17	B.01at	Gemini/Dept of Health Clean Water Branch Letter	Immaterial; not relevant to this proceeding
10/11/16	B.02c	UIPA request: re TMT sublease	Immaterial; not relevant to this proceeding
01/07/17	B.02c-2	UIPA Request (part 2)	Immaterial; not relevant to this proceeding
10/11/16	B.02g	Order for Remand (Civil No. 14-1-324)	Immaterial; not relevant to this proceeding
02/28/17	B.02ab	Hawaii Administrative Rules Ch. 13-5	The University objects to this exhibit as superfluous; the administrative rules speak for themselves and do not need to be admitted as

⁵ The reference to Section 106 consultation refers to Section 106 of the National Historic Preservation Act. Section 106 consultation is required for federal projects or projects that use federal funds that could affect historic properties.

Date Filed	Ex. No.	Description	Specific Objection(s)
			exhibits.
02/28/17	B.02ac	Adoption of Hawaii Administrative Rule Ch. 13-5	Immaterial; not relevant to this proceeding
02/28/17	B.02ad	Memo regarding Amendments to HAR Ch. 13-5	Immaterial; not relevant to this proceeding
10/11/16	B.03e	Operating and Development Agreement for 8-meter telescope (Subaru telescope sublease).	Immaterial; not relevant to this proceeding
10/11/16	B.03f	Agreement for Construction and Operation of a 3.8 meter telescope (UKIRT sublease).	Immaterial; not relevant to this proceeding
10/11/16	B.03g	Renegotiated Site Development and Operating Agreement concerning the W.M. Keck Observatory (Keck sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03h	Operating and Site Development Agreement for the Very Long Base Array (VLBA sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03i	Operating and Site Development Agreement for the Smithsonian Submillimeter Array (SAO sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03j	Operating and Site Development Agreement for the Gemini 8-meter Telescope (Gemini Sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03k	Operating and Site Development Agreement for the Caltech Submillimeter Telescope Facility (Caltech Sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03l	Operating and Site Development Agreement for the Canada-France UH telescope (CFH sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03m	Operating and Site Development Agreement for the 15 M Millimeter-Wave United Kingdom-Canada-Netherlands Telescope (UK-Canada sublease)	Immaterial; not relevant to this proceeding
10/11/16	B.03n	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
10/11/16	B.03t	Atwater, Gail. Conservation District Review: Preliminary Discussion Draft, November 1993.	Immaterial and irrelevant to this proceeding

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	B.03u	Kaena Point Conceptual Plan, 1978 (excerpts provided, complete document available upon request)	Immaterial and irrelevant to this proceeding
10/11/16	B.03x	Motion No. 26, Protected Areas and other areas important for biodiversity in relation to environmentally damaging industrial activities and infrastructure development, World Conservation Congress (September 2016)	Immaterial; not relevant to this proceeding
10/11/16	B.03al	Letter from Sam Lemmo, OCCL to Richard Chamberlain, CSO, re: hydraulic spill, October 13, 2009	Immaterial; not relevant to this proceeding
10/11/16	B.08j	National Register Bulletin	Because Section 106 does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding.
10/11/16	B.08k	Keck Outrigger K excerpts	Immaterial; irrelevant to this proceeding
10/11/16	B.13h	HRS §711.1107 Desecration	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; Moreover, this statute is immaterial and irrelevant to this proceeding.
03/08/17	B.14	Pualani Kanahele transcript	Untimely. This exhibit was not introduced until after the close of the evidentiary hearings on March 2, 2017. This exhibit constitutes additional direct testimony from Ms. Kanahele which the University did not have the opportunity to cross-examine her on.
10/11/16	B.17c	The Office of Hawaiian Affairs v. Sean O'Keefe et al., US District Court, Civ. No. 02-00227 SOM/BMK	The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits.
10/11/16	B.17d	Mauna Kea Anaina Hou v. State of Hawai'i et. al., Third Circuit Court, Civil No. 04-1-397	The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits.
03/09/17	B.17ap	Lake Waiau water volume December 2013 from OMKM orientation	Untimely. This exhibit was not introduced until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit. Ms. Ward has not produced a copy of this exhibit as of March 16, 2017.
03/09/17	B.17aq	Lake Waiau water volume December 2014 from OMKM orientation	Untimely. This exhibit was not introduced until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit

Date Filed	Ex. No.	Description	Specific Objection(s)
			and the University did not have the opportunity to cross-examine anyone regarding this exhibit. Ms. Ward has not produced a copy of this exhibit as of March 16, 2017.
03/09/17	B.17ar	Density of historic properties related to intensity of search from OMKM orientation	Untimely. This exhibit was not introduced until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit. Ms. Ward has not produced a copy of this exhibit as of March 16, 2017.
01/27/17	B.19h	E.Kalani Flores v. BLNR, et al., Civil No. 14-1-324 Order Granting in Part and Denying in Part BLNR and Case's Motion for Stay of Proceedings	The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits. Furthermore, this exhibit is immaterial and irrelevant because the sublease consent is not at issue in this proceeding.
03/08/17	B.19i	Flora of Mauna Kea	Untimely. Mr. Ching did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.19j	IUCN indigenous membership category	Untimely. Mr. Ching did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
10/11/16	B.20	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
01/08/17	B.21i	Video Presentations	A copy of the file was not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing. Accordingly, it should be stricken from the record.
10/11/16	B.22a	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
10/11/16	B.23a	Kapulei Flores WDT	Ms. Kapulei Flores was not presented as a witness and did not testify. The University did not have the opportunity to cross-examine Ms. Flores. Accordingly, her WDT should be stricken from

Date Filed	Ex. No.	Description	Specific Objection(s)
			the record.
03/08/17	B.26	Hawaii County General Plan 2005	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.27	Webpage	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit. A copy of the file was not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual file because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing. Accordingly, it should be stricken from the record.
02/28/17	B.28	Mauna Kea Comprehensive Management Plan - UH Management Areas	Duplicative of Ex. A-9
10/11/16	B.30	CDUA HA-3568 (not printed)	Duplicative of Ex. A-1/R-1
10/11/16	B.31	TMT FEIS Summary Sheet (not printed)	Duplicative of Ex. A-2/R-2
10/11/16	B.32	TMT FEIS Vol. 1 (not printed)	Duplicative of Ex. A-3/R-3
10/11/16	B.33	TMT FEIS Vol. 2 (not printed)	Duplicative of Ex. A-4/R-4
10/11/16	B.34	TMT FEIS Vol. 3 (not printed)	Duplicative of Ex. A-5/R-5
10/11/16	B.35	DLNR-OCCL CDUA HA-3568 Report (not printed)	Duplicative of Ex. A-7/R-7
10/11/16	B.36	DLNR-OCCL Exhibits (not printed)	Duplicative of Ex. A-8/R-8
10/11/16	B.37a	MKSR Master Plan (2000) (not printed)	Duplicative of Ex. A-48
10/11/16	B.37b	MKSR Master Plan Appendix (2000) (not printed)	Duplicative of Ex. A-48
10/11/16	B.38	Mauna Kea CMP (2009) (not printed)	Duplicative of Exs. A-9 and B.28
10/11/16	B.39	CRMP - CMP Sub-Plan (not printed)	Duplicative of Ex. A-11
10/11/16	B.40	NRMP - CMP Sub-Plan (2009) (not printed)	Duplicative of Ex. A-10
10/11/16	B.41	Public Access Plan - CMP Sub-Plan	Duplicative of Ex. A-12

Date Filed	Ex. No.	Description	Specific Objection(s)
		(not printed)	
10/11/16	B.42	Decommissioning Plan - CMP Sub-Plan (2010) (not printed)	Duplicative of Ex. A-13
01/05/17	B.53	David Kimo Frankel - Written Direct Testimony	The University objects to the extent MKAH is attempting to admit the written direct testimony of a witness preferred by another party (KAHEA). KAHEA did not move exhibit B.53 into evidence.
	B.65	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
	B.66	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
	B.67	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
	B.68	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
	B.69	(vacant)	No exhibit filed. The University objects to any attempt to use this as a reserved slot to file/move in another exhibit.
01/30/17	B.70	Staff Report CDUA	Duplicative of Exs. A-7/R-7 and B.35
03-02-17	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	Untimely. Ms. Townsend completed her testimony on January 10, 2017. KAHEA did not identify or produce this exhibit until March 2, 2017 and, as evidenced by the date of the exhibit, it was not created until <i>after</i> Ms. Townsend testified. KAHEA did not seek leave to present rebuttal testimony through Ms. Townsend. This exhibit therefore constitutes impermissible rebuttal testimony, and the University did not have the opportunity to cross-examine Ms. Townsend on this document.
03/08/17	B.81a	OMKM Hawaiian Culture	Untimely. The Flores-Case Ohana did not introduce or produce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.81b	OMKM Historic Properties	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No

Date Filed	Ex. No.	Description	Specific Objection(s)
			witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.81c	OMKM CMP Policies	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.81d	OMKM CMP	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.81e	OMKM MKSR Master Plan	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.82a	Hawaiian Protocol	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.82b	Our Sacred Mountain	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.83	Imiloa-Cultural Significance	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.84	Astronomy Workforce Report	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.

Date Filed	Ex. No.	Description	Specific Objection(s)
03/08/17	B.85a	HIEDB board	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.85b	HIEDB 2008 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.85c	HIEDB 2009 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.85d	HIEDB 2010 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.85e	HIEDB 2012 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.86a	TMT 2010 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.86b	TMT 2011 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.86c	TMT 2012 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No

Date Filed	Ex. No.	Description	Specific Objection(s)
			witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.
03/08/17	B.86d	TMT 2013 990	Untimely. The Flores-Case Ohana did not introduce this exhibit until after the close of the evidentiary hearings on March 2, 2017. No witness presented this exhibit and the University did not have the opportunity to cross-examine anyone regarding this exhibit.

The University objects to the remaining exhibits that were submitted by the Original Named Petitioners for filing, but not moved into evidence by the Original Named Petitioners' respective Motions to Admit Exhibits.

B. HARRY FERGERSTROM (D) [DOC. 494]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Harry Fergerstrom (Fegerstrom Motion to Admit [Doc. 494]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
12/02/16	D-2	Final Written Testimony Williamson Chang	The Hearing Officer precluded Mr. Chang from testifying at the hearing on finding that Mr. Chang's WDT is irrelevant and immaterial to the issues set forth in Minute Order No. 19. Accordingly, Mr. Chang's WDT should be stricken from the record.
12/02/16	D-3	Burial Registration Form	Immaterial and irrelevant to this proceeding
12/02/16	D-4	Scan	Immaterial and irrelevant to this proceeding
10/25/16	D-5	Notice of Trespass 2	Immaterial and irrelevant to this proceeding
10/25/16	D-6	https_dlnr.hawaii.gov_mk_files_2016_10_Scan	Immaterial and irrelevant to this proceeding

The University further objects to Fergerstrom's Motion to Admit to the extent that it is contrary to the Hearing Officer's order that each party's motion must specify which exhibits he seeks to move into evidence. Fergerstrom's Motion to Admit simply moved all exhibits identified by letter "D". See Fergerstrom Motion to Admit at 1.

Because the Mr. Fergerstrom has not identified with specificity which exhibits he seeks to move into evidence, the University objects to the admission of Exhibits D-1, D-2, D-3, D-4, D-5 and D-6.

C. MEHANA KIHAI (F) [DOC. 502]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Mehana Kihai (Kihai Motion to Admit [Doc. 502]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	F-1	Pre-Hearing Statement of Mehana Kihai	Objects to the extent this document contains the party's legal arguments, which are not evidence.
10/11/16	F-6	Direct Witness Testimony of Kaleinohea Cleghorn	Kaleinohea Cleghorn was not presented as a witness and did not testify. The University did not have the opportunity to cross-examine Ms. Cleghorn. Accordingly, this WDT should be stricken from the record.
	F-7c	Summary of Joseph Keaweaimoku Kaholokula	Untimely. Ms. Kihai and Ms. Kakalia attempted to introduce this exhibit minutes before Dr. Kaholokula's testimony on February 23, 2017. The Hearing Officer rejected the introduction of this exhibit because it was untimely and the other parties did not have an opportunity to review it prior to Dr. Kaholokula's testimony. The University also did not have an opportunity to cross Dr. Kaholokula or any witness on this exhibit.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	F-8	Mauli Ola: Pathways to Optimal Kanaka 'Oiwai Health	Immaterial and irrelevant to this proceeding
10/11/16	F-9	Journal of Indigenous Voices in Social Work. 'Ike Hawaii - A Training Program for Working with Native Hawaiians	Immaterial and irrelevant to this proceeding
10/11/16	F-9	United States Public Law 103-150 "THE APOLOGY"	Immaterial and irrelevant to this proceeding. The University also objects to this exhibit as superfluous. The law speaks for itself and does not need to be moved into evidence as an exhibit.
10/11/16	F-10	Temporary Restraining Order of Mehana Kihoi, victim statement, providing history of previous trauma and psychological & emotional abuse; Judge Findings, Case Number, Police Report No.	Immaterial and irrelevant to this proceeding; also, this exhibit was filed but not moved into evidence.
10/24/16	F-16	Collective Memory, History, and Social Justice	Immaterial and irrelevant to this proceeding
10/24/16	F-18	Law Narrative, and the Continuing Colonialist Oppression of Native Hawaiians	Immaterial and irrelevant to this proceeding
10/24/16	F-19	Restorative Justice for Hawaii's First People: Selected Amicus Curiae Briefs in DOE v. Kamehameha Schools	Immaterial and irrelevant to this proceeding
10/24/16	F-20	Wai Through Kanawai: Walter for Hawaii's Streams and Justice for Hawaiian Communities	Immaterial and irrelevant to this proceeding
01/04/17	F-22	Mauna Kea: Hoomana Hawaii and Protecting the Sacred (MISSING)	This exhibit was filed but not moved into evidence.
01/04/17	F-23	Portrait: Mauna a Wakea (MISSING)	This exhibit was filed but not moved into evidence.
03/09/17	F-24	Tahlia Kalaula written statement 1	This exhibit constitutes direct testimony from Ms. Tahlia Kalaula which the University did not have the opportunity to cross-examine her on. Ms. Kalaula was not presented as a witness and did not testify.
03/09/17	F-25	Image; Tahlia Kalaula written statement 2	This exhibit constitutes direct testimony from Ms. Tahlia Kalaula which the University did not have the opportunity to cross-examine her on. Ms. Kalaula was not presented as a witness and did not testify.
03/09/17	F-26	Image; Tahlia Kalaula written statement 3	This exhibit constitutes direct testimony from Ms. Tahlia Kalaula which the University did not have the opportunity to cross-examine her on. Ms. Kalaula was not presented as a

Date Filed	Ex. No.	Description	Specific Objection(s)
			witness and did not testify.
03/09/17	F-27	Image; Tahlia Kalaula written statement 4	This exhibit constitutes direct testimony from Ms. Tahlia Kalaula which the University did not have the opportunity to cross-examine her on. Ms. Kalaula was not presented as a witness and did not testify.
03/09/17	F-28	Image; Tahlia Kalaula written statement 5	This exhibit constitutes direct testimony from Ms. Tahlia Kalaula which the University did not have the opportunity to cross-examine her on. Ms. Kalaula was not presented as a witness and did not testify.

D. C.M. KAHO'OKAHI KANUHA (G)

Mr. Kanuha did not file any written direct testimony or exhibits and did not present any testimony or witnesses at the evidentiary hearings in the above-captioned matter. To the extent that Mr. Kanuha submits any testimony or filings, the University objects based on untimeliness, irrelevance, immateriality, duplication, lack of opportunity for cross-examination, and as otherwise the materials submitted are outside the scope of direct and/or the issues identified in Minute Order No. 19.

E. JOSEPH KUALI'I LINDSEY CAMARA (H) [DOC. 495]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Joseph Kuali'i Lindsey Camara (Camara Motion to Admit [Doc. 495]). In addition to its General Objections, the University makes the following specific objections. Any blank Specific Objection entries indicate that the University is asserting only the above-stated objections at this time because it lacks sufficient information to make specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/10/16	H-1	Testimony and pictures of OMKM Rangers documenting desecration	
10/10/16	H-2	UNDRIP 2007	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; immaterial and irrelevant to this proceeding; international law not applicable to this proceeding.
10/10/16	H-3	UN Sacred Site Intervention	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; immaterial and irrelevant to this proceeding; international law not applicable to this proceeding.
10/10/16	H-4	UN Rulings	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; irrelevant to this proceeding; international law not applicable to this proceeding.
10/10/16	H-8	Leilani Lindsey Kaapuni Mookuauhau	This genealogy is essentially direct testimony from Ms. Kaapuni. Ms. Kaapuni was not presented as a witness and did not testify. The University did not have an opportunity to cross-examine Ms. Kaapuni on this document. Accordingly, this should be stricken from the record.
10/10/16	H-9	Credentials of Luana Busby Neff and supporting documents	Ms. Luana Busby Neff was not presented as a witness and did not testify. The University did not have an opportunity to cross-examine her on these documents. Accordingly, this should be stricken from the record.
02/23/17	H-10	2013 Hawaii Revised Statutes Title 12 Conservation and Resources 171, Public Lands, Management and Disposition of 171-17 Appraisals	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit
02/23/17	H-11	2009 Comprehensive Management Plan (cross referenced with UHH Exhibit A 009)	Duplicative of Ex. A-9
02/23/17	H-12	Permanent Forum on Indigenous Issues, Report on the Fifteenth session (9-20 May 2016)	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; irrelevant to this proceeding; international law not applicable to this proceeding.
03/7/17		Joseph Kualii Lindsey Camara WDT (revised and submitted 3/7/17)	Untimely. Mr. Camara did not produce his amended written direct testimony until after he completed his testimony on March 1, 2017

Date Filed	Ex. No.	Description	Specific Objection(s)
			and after the close of the evidentiary hearings on March 2, 2017. The University did not have an opportunity to cross-examine Mr. Camara and this revised WDT.
	PHS	Joseph Kualii Lindsey Camara Opening Statement	Objects to the extent this document contains the party's legal arguments, which are not evidence.

F. JENNIFER LEINA'ALA SLEIGHTHOLM (J) [DOC. 504]

Contrary to the Hearing Officer's order, Jennifer Leina'ala Sleightholm did not specifically identify any exhibits to be moved into evidence. Ms. Sleightholm instead generally asks the Hearing Officer to accept her "Pre-Hearing Statement, Written Direct Testimony of Nelson Ho and Noe Goodyear-Kaopua, and Exhibits into evidence." The University therefore objects to the admission of any of Ms. Sleightholm's exhibits for failure to specify any exhibits. The University also asserts its General Objections as to each of the exhibits and written testimony sought to be moved into evidence by Jennifer Leina'ala Sleightholm. (Sleightholm Motion to Admit [Doc. 504]).

In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
	PHS	Pre-Hearing Statement	Objects to the extent this document contains the party's legal arguments, which are not evidence.
10/11/16	J-1	A Thousand Little Cuts to Genocide (Commentary)	Immaterial and irrelevant to the issues to be decided in this proceeding.
10/11/16	J-2	HAR 13-5-30 The 8 Criteria	The University objects to this exhibit as superfluous; the administrative rules speak for themselves and do not need to be admitted into evidence as an exhibit

Date Filed	Ex. No.	Description	Specific Objection(s)
02/19/17	J-9	Protectors of the future, not protestors of the past: Indigenous Pacific activism and Mauna a Wakea	Immaterial and irrelevant to the issues to be decided in this proceeding.

G. MAELANI LEE (K)

Ms. Lee did not file any written direct testimony or exhibits and did not present any testimony or witnesses at the evidentiary hearings in the above-captioned matter. To the extent that Ms. Lee submits any testimony or filings, the University objects based on untimeliness, irrelevance, immateriality, duplication, lack of an opportunity for cross-examination, and as otherwise the materials submitted are outside the scope of direct and/or the issues identified in Minute Order No. 19.

H. TEMPLE OF LONO (L) [DOC. 491]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by the Temple of Lono (Temple Motion to Admit [Doc. 491]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
	PHS	Opening Statement	Objects to the extent this document contains the party's legal arguments and attorney argument, which are not evidence.
10/11/16	L1	Rubellite Kawena Johnson Declaration	Hearsay declarations are not considered as evidence or exhibits. Ms. Rubellite Kawena Johnson was not presented as a witness and did not testify. The University did not have an opportunity to cross-examine her on this declaration. Accordingly, it should be stricken from the record.
10/11/16	L3	Kahuna Nobriga Article in Civil Beat	Article on Kaho'olawe. Immaterial and irrelevant to this proceeding.
10/11/16	L4	Applicant's Opp to Temple of Lono	Legal argument and attorney argument are not

Date Filed	Ex. No.	Description	Specific Objection(s)
		Partial SJ Motion	evidence; not presented as evidence during hearing.
10/11/16	L5	Temple of Lono Motion to File Motion out of Time	Legal argument and attorney argument are not evidence; not presented as evidence during hearing.
10/11/16	L6	Temple of Lono identification of issues	Legal argument and attorney argument are not evidence; not presented as evidence during hearing.
10/11/16	L7	Minute Order 19	The Hearing Officer's orders govern these proceedings and do not need to be admitted into evidence.
10/11/16	L8	Temple of Lono First Motion to Recuse	Legal argument and attorney argument are not evidence; not presented as evidence during hearing.
10/11/16	L9	Temple of Lono Motion to Schedule Unscheduled Motions	Legal argument and attorney argument are not evidence; not presented as evidence during hearing.
10/11/16	L10	Imperial Plan for Hawai'i: A Fictional Perspective	Immaterial and irrelevant to this proceeding. This article is authored by Mr. Sinkin, who did not testify as a witness. The University did not have an opportunity to cross-examine him on this exhibit. Accordingly, it should be stricken from the record.
10/11/16	L12	Ke A'o Loko o Lono (The innermost knowledge of Lono	This exhibit constitutes direct testimony from Mr. Samuel Lono, who was not presented as a witness and did not testify in this proceeding. The University did not have an opportunity to cross-examine him on this exhibit. Accordingly, it should be stricken from the record. This exhibit is also cumulative of Mr. Nobriga's testimony.
10/11/16	L13	Temple of Lono Statement to United States Supreme Court	Legal argument and attorney argument are not evidence. Immaterial and irrelevant as it concerns another case not relevant to this proceeding.
10/11/16	L14	<i>Nobriga v. Mooers</i> – suit naming Office of Mauna Kea Management	Legal argument and attorney argument are not evidence. Immaterial and irrelevant as it concerns another case not relevant to this proceeding.
10/11/16	L15	Office of Mauna Kea Management Plan [excerpt]	Duplicative of Ex. A-48
01/08/17	L24	HTA Release (15-03)	Immaterial and irrelevant to this proceeding.

I. KALIKOLEHUA KANAELE (M) [DOCS. 488, 499]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Kalikolehua Kanaele (Kanaele Motions to Admit

[Doc. 488]; Kanele Supplemental Motion to Admit [Doc. 499]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	M-4	Division 1. Government	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit
01/26/17	M-4	TMT Attorney had inside track on legal issues	Immaterial and irrelevant to the issues in this hearing
10/26/16	M-7	Waitangi Treaty	Incomplete exhibit; immaterial and irrelevant to the issues in this proceeding
02/02/17	M-16	Clifford Kaponu Written Direct Testimony	Mr. Kaponu was not presented as a witness and did not testify. The University did not have an opportunity to cross-examine him on this WDT. Accordingly, it should be stricken from the record.
02/02/17	M-17	Clifford Kaponu CV	Mr. Kaponu was not presented as a witness and did not testify. The University did not have an opportunity to cross-examine him on his CV. Because Mr. Kaponu did not testify, his CV is immaterial and irrelevant to this proceeding. Accordingly, it should be stricken from the record.
02-23-17	M-1-2	Star Wars Telescope & Lawyers Caught in Theft Schemes: Third Circuit Court Officers Stanley Roehrig and Drug Church "Priest" Paul J. Sulla Named in Statewide Corruption Scandal!	Immaterial and irrelevant to the issues in this proceeding.
03/01/17	M-E	Challenging the member polling process on Rail by Stuart Scott	Immaterial and irrelevant to the issues in this proceeding.
		Pre-hearing statement	Objects to the extent this document contains the party's legal arguments, which are not evidence.

J. STEPHANIE-MALIA:TABBADA (N)

Ms. Tabbada did not file any written direct testimony or exhibits and did not present any

testimony or witnesses at the evidentiary hearings in the above-captioned matter. To the extent that Ms. Tabbada submits any testimony or filings, the University objects based on untimeliness, irrelevance, immateriality, duplication, lack of opportunity for cross-examination, and as otherwise the materials submitted are outside the scope of direct and/or the issues identified in Minute Order No. 19.

K. TIFFNIE KAKALIA (O) [DOC. 503]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Tiffnie Kakalia (Kakalia Motion to Admit [Doc. 503]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	O-8	Motion 26 ICUN World Conservation Congress	Immaterial and irrelevant to the issues in this proceeding
03/09/17	O-17	Mauli Ola	Untimely. This article is authored by Dr. Kaholokula, but was not submitted as evidence until after he completed his testimony on February 23, 2017 and after the close of the evidentiary hearings on March 2, 2017. The University did not have an opportunity to cross-examine him on this exhibit. Accordingly, it should be stricken from the record.
	PHS	Opening statement: Tiffnie Kakalia WDT	Objects to the extent this document contains the party's legal arguments, which are not evidence.

L. GLEN KILA (P)

Mr. Kila did not file any written direct testimony or exhibits and did not present any testimony or witnesses at the evidentiary hearings in the above-captioned matter. To the extent

that Mr. Kila submits any testimony or filings, the University objects based on untimeliness, irrelevance, immateriality, duplication, lack of opportunity for cross-examination, and as otherwise the materials submitted are outside the scope of direct and/or the issues identified in Minute Order No. 19.

M. DWIGHT VICENTE (Q) [DOC. 498]

Dwight Vicente did not testify or present any witnesses. Therefore, the University asserts its General Objections to the following exhibits and written testimony moved into evidence by Dwight Vicente (Vicente Motion to Admit [Doc. 498]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
02/25/17	Q1	Ordinance of 1987 The Northwest Territorial Government	Per Minute Order No. 19, this exhibit is immaterial, irrelevant, and beyond the scope of the issues in this proceeding. Moreover, this document has clearly been superseded by numerous federal court rulings holding the Northwest Ordinance as irrelevant and superseded by State's admission and governance by the US Constitution.
02/25/17	Q2	Pre-constitutional National Documents Northwest Ordinance	Per Minute Order No. 19, this exhibit is immaterial, irrelevant, and beyond the scope of the issues in this proceeding.
02/25/17	Q3	US Constitution Article IV Sec 3 Clause 2	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding; the University also objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
02/25/17	Q4	The Old Northwest in the American Revolution	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q5	September 19, 1820 Appointment of Mr. Jone C. Jones	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.

Date Filed	Ex. No.	Description	Specific Objection(s)
02/25/17	Q6	Treaty of Reciprocity 1875	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q7	Treaty of Annexation 1898	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q8	Liliuokalani v. US	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding. This exhibit is superfluous as court opinions do not need to be admitted into evidence as exhibits.
02/25/17	Q9	Constitutional Convention of Hawaii 1950	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q10	Sec 171-2 Definition of Public Lands	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding; the University also objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
02/25/17	Q11	Rose Tseng, Chancellor Letter date May 8, 2010	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q12	Hawaii's Ceded Lands	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.
02/25/17	Q13	Hawaii Constitution Article XI Sec 1	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding; the University also objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
02/25/17	Q14	Homestead Act of 1884	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding; the University also objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
02/25/17	Q15	Lottery Law	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding; the University also objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an

Date Filed	Ex. No.	Description	Specific Objection(s)
			exhibit.
02/25/17	Q-16	Blount's Report May 31, 1893	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding
02/25/17	Q-17	Proclamation	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding
02/25/17	Q-18	The Hawaiian Republic (1894-98)	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding
02/25/17	Q-19	Emperor plays defense on Japan's Constitution	Per Minute Order No. 19, exhibit is irrelevant, immaterial, and beyond the scope of this proceeding
02/25/17	Q-20	Sai v. Clinton	This exhibit is superfluous as court opinions do not need to be admitted into evidence as exhibits.

N. BRANNON KAMAHANA KEALOHA (R)

Although Mr. Kealoha filed the following exhibits, he did not testify or present any witnesses at the contested case hearing and did not move to admit any of his exhibits or testimony. Therefore, the University objects to the admission of any of the exhibits or testimony filed by Mr. Kealoha. The University further asserts its General Objections as to each of the following exhibits and written testimony filed by Brannon Kamahana Kealoha. In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	R-1	Cultural Practice; Established Genealogy of Lilinoe	Failure to present evidence; failure to move to admit exhibit into evidence.
10/11/16	R-2	Genealogy to Kalanikauleleiaiwi 12th G.G. Mother; 14 lineal generations to Keawenuiaumi; 38 lineal generations to Haunuikalailai	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/11/16	R-3	Present Day BIRTH CERTIFICATES	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-4	Genealogy in Magoon vs. Kahunaaina Civil 5475, Third Circuit Court of Hawaii	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-5	Genealogy: Baptism for the Dead 1920	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-6	Genealogy: Mormon Archive Records 1920	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-7	Genealogy: The King's Mahele (land titles)	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-8	Genealogy: "Hawaiian Genealogies Vol. 1"	Failure to present evidence; failure to move to admit exhibit into evidence; irrelevant and immaterial to this proceeding.
10/11/16	R-9	Burial and Cultural Practice Law Reference	Failure to present evidence; failure to move to admit exhibit into evidence.
10/11/16		Pre-Hearing Statement	Objects to the extent this document contains the party's legal arguments, which are not evidence.

O. CINDY FREITAS (S) [DOCS. 481, 492]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by Cindy Freitas (C. Freitas Motions to Admit [Doc. 481]; C. Freitas Supplemental Motion to Admit [Doc. 492]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Specific Objection(s)
10/10/16	S-1	Mehana Kihoi Written Direct Testimony Affidavit	Exhibit filed but not moved into evidence; Ms. Freitas did not present Ms. Kihoi as her witness and Ms. Kihoi did not testify on behalf of Ms.

Date Filed	Ex. No.	Description	Specific Objection(s)
			Freitas.
10/23/16	S-13	Minute Order No. 39	The Hearing Officer's orders govern these proceedings and do not need to be admitted into evidence.
02/12/17	S-18b1	Geology and Ground-Water Resources of the Island of Hawaii	Copy of exhibit not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual document since web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/12/17	S-18b2	The Geology and Petrology of Mauna Kea Volcano, Hawaii A Study of Postshield Volcanism	Copy of exhibit not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual document since web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/12/17	S-18f	Blasting Technology, Inc. "Notice of Blasting"	Immaterial; irrelevant to this proceeding.
03/04/17	S-18L1	Hydrologic and Ecologic Inventories of the Coast Water of West Hawaii	Untimely. Exhibit not identified or produced until after the close of the evidentiary hearings on March 2, 2017. The University did not have an opportunity to cross-examine any witnesses on this exhibit.
02/12/17	S-18o	Oil Drum left at Groundbreaking Site	The University objects to the extent the annotation on the document is improper speculation and lacks foundation.
11/01/16	S-19	Doc 391 Motion to Dismiss Contested Case Hearing Re: Conservation Use Application HA-3568	Legal argument is not evidence.
12/01/16	S-20	Doc:256 PUEO Proposed Minute Order Granting PUEO Motion to Set Issues	Legal argument is not evidence.
12/01/16	S-21	Doc:297 Respond to Proposed DOC 256 All Issues Should Also be Considered	Legal argument is not evidence.
12/01/16	S-22	Doc:220 Site Visit Proposal	Legal argument is not evidence; per Minute Order No. 19, exhibit is irrelevant and immaterial to this proceeding.
12/01/16	S-23	Doc:274 Minute Order No. 18	The Hearing Officer's orders govern these proceedings and do not need to be admitted into evidence.
12/01/16	S-24	Doc:278 Motion to Amend 274 Site	Legal argument is not evidence.

Date Filed	Ex. No.	Description	Specific Objection(s)
		Visit to include Request in Doc 220	
12/01/16	S-25	Doc:290 Objection to September 26, 2016 Site Visit on Mauna Kea	Legal argument is not evidence.
01/17/17	S-27	Manitowoc Product Guide	Immaterial and irrelevant to the issues in this proceeding
01/17/17	S-27a	Crawler & Mobile Crane Accident Video	Immaterial and irrelevant to the issues in this proceeding; copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
01/17/17	S-27b	Tower Cranes Warrant a Closer Look	Immaterial and irrelevant to the issues in this proceeding; copy of exhibit not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual document since web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
01/17/17	S-27c	Waiting for a Transformation	Immaterial and irrelevant to the issues in this proceeding; copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual file because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
01/17/17	S-27d	Tower Crane Accident Video	Immaterial and irrelevant to the issues in this proceeding; copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
01/17/17	S-27f	Crane Accident Investigation and Accident Reconstruction	Immaterial and irrelevant to the issues in this proceeding; copy of exhibit not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual file since web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
01/17/17	S-28c	CMP Fact Sheet	Immaterial and irrelevant to the issues in this proceeding.
02/25/17	S-28d1	Janet M. Dellaria of Trout Creek, Michigan, Experience on Mauna Kea	Exhibit amounts to direct testimony of Ms. Janet Dellaria, who was not presented as witness and did

Date Filed	Ex. No.	Description	Specific Objection(s)
			not testify at the hearing. The University did not have an opportunity to cross-examine her or any witnesses on this exhibit.
01/17/17	S-29	Site Visit Proposal	Duplicative of Ex. S-22; per Minute Order No. 19, exhibit is irrelevant and immaterial to this proceeding; legal argument is not evidence.
01/17/17	S-29a	Motion to Amend Doc 274 Site to include Request in Doc 220	Legal argument is not evidence.
01/17/17	S-29b	Objection to September 26, 2016 Site Visit on Mauna Kea	Duplicative of Ex. S-25; legal argument is not evidence.
01/17/17	S-30	HRS 13-5-30(c)	The University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
01/17/17	S-30a	HRS 711-1107 Desecration	Irrelevant and immaterial to the issues in this proceeding; the University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
01/17/17	S-31	CMP page 7-56	Duplicative of Ex. A-9
01/17/17	S-31a	CMP page 2-3	Duplicative of Ex. A-9
01/17/17	S-31b	Appendix B. TMT Management Plan	Duplicative of Ex. A-1/R-1
02/25/17	S-32	Errata Re: Cindy Freitas Correction on Cross Examination	Improper and untimely; testimony filed after the completion of her cross-examination on February 21, 2017; the University did not have the opportunity to cross-examine.

P. WILLIAM FREITAS (T) [DOCS. 480, 493, 501]

The University asserts its General Objections as to each of the following exhibits and written testimony moved into evidence by William Freitas (W. Freitas Motions to Admit [Doc. 480]; W. Freitas First Supplemental Motion to Admit [Doc. 493]; W. Freitas Second Supplemental Motion to Admit [Doc. 501]). In addition to its General Objections, the University makes the following specific objections. As stated above, the University reserves its right to clarify and make additional objections once the transcripts become available.

Date Filed	Ex. No.	Description	Objection Reason(s)
02/12/17	T-1.c	UNDRIP	The University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit; international law is immaterial and irrelevant to this proceeding.
02/13/17	T-1.d	http://oiwi.tv/maunakea/kapu-aloha-101/	A copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/13/17	T-1.e	https://www.youtube.com/watch?v=mPqF5rFfegl	A copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/13/17	T-1.f	https://m.youtube.com/watch?v=OAcmAGvmcC4	A copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/26/17	T-1g	Facebook Naau News's Now September 12, 2015: Emotional effects caused by destruction of Ahu O Kauakoko	A copy of file not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual file because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.
02/12/17	T-2.4	United States Public Law 103-150	The University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit.
03/08/17	T-3k	Request to Access A Government Record	Untimely. Mr. Freitas did not identify or produce this exhibit until after the close of the evidentiary hearings on March 2, 2017. The University did not have the opportunity to cross-examine Mr. Freitas or any witness on this exhibit. This document is also immaterial and irrelevant to the issues in this proceeding. Accordingly, it should be stricken from the record.
03/08/17	T-3k1	Video: IMG_5297 Copy	Untimely. Mr. Freitas did not identify or produce this exhibit until after the close of the evidentiary hearings on March 2, 2017. The University did not have the opportunity to cross-examine Mr. Freitas or any witness on this exhibit. A copy of

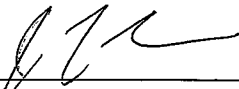
Date Filed	Ex. No.	Description	Objection Reason(s)
			the file was not provided to parties; only the link was provided. A URL link is an insufficient substitute for providing the actual video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing. Accordingly, it should be stricken from the record.
03/08/17	T-3k2	Request to Access A Government Record	Untimely. Mr. Freitas did not identify or produce this exhibit until after the close of the evidentiary hearings on March 2, 2017. The University did not have the opportunity to cross-examine Mr. Freitas or any witness on this exhibit. This document is also immaterial and irrelevant to the issues in this proceeding. Accordingly, it should be stricken from the record.
03/08/17	T-3k3	Pictures of desecration to Hale Ku Kia'i Mauna (Litter Sanitation)	Untimely. Mr. Freitas did not identify or produce this exhibit until after the close of the evidentiary hearings on March 2, 2017. The University did not have the opportunity to cross-examine Mr. Freitas or any witness on this exhibit. Accordingly, it should be stricken from the record.
02/12/17	T-3.1	CMP page 1-3	Duplicative of Ex. A-9
02/12/17	T-3.2	Article X11 (12)	The University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit
02/12/17	T-3.3	HRS 711-1107 Desecration	The University objects to this exhibit as superfluous; the law speaks for itself and does not need to be admitted into evidence as an exhibit;; statute is immaterial and irrelevant to this proceeding
02/12/17	T-3.6	HAR 13-5-30(c) Conservation District Rules	The University objects to this exhibit as superfluous; the administrative rules speak for themselves and do not need to be admitted into evidence as an exhibit.

The foregoing objections are based upon the exhibits that were moved into evidence by the various parties. As stated above, the University objects to the admission of any exhibit or testimony that was not expressly included in the respective motion(s) to admit evidence of the party that presented that evidence at the hearing. The University further objects to the admission

of such evidence to the extent they fall within any of the ten (10) General Objections identified above in Part II of this Opposition.

The University reserves the right to supplement and clarify its objections once it has had the opportunity to review the final transcripts.

DATED: Honolulu, Hawai'i, March 16, 2017.



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UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

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, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that the above-referenced document was served upon the
following parties by email unless indicated otherwise:

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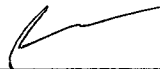
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