

FLORES-CASE 'OHANA  
E. Kalani Flores  
P.O. Box 6918  
Kamuela, Hawaii 96743  
Email: [ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)

Petitioners pro se

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

In the Matter of:	)	Case No. BLNR-CC-16-002
A Contested Case Hearing Re	)	
Conservation District Use Application	)	FLORES-CASE 'OHANA'S JOINDER
(CDUA) HA-3568 for the Thirty Meter	)	TO MAUNA KEA ANAINA HOU'S
Telescope at the Mauna Kea Science	)	MOTION REQUESTING TIME TO
Reserve, Ka'ohē, Hamakua District,	)	RESPOND TO EXHIBITS
Island of Hawai'i, TMK (3) 4-4-015:009	)	OBJECTIONS AND RELATED
	)	MATTERS; FLORES-CASE
	)	'OHANA'S MOTION IN OPPOSITION
	)	TO UNIVERSITY OF HAWAI'I AT
	)	HILO'S OPPOSITION TO MOTIONS
	)	TO ADMIT EXHIBITS AND WRITTEN
	)	DIRECT TESTIMONIES (DOC 514)
	)	AND TO TMT INTERNATIONAL
	)	OBSERVATORY, LLC'S
	)	MEMORANDUM IN OPPOSITION TO
	)	MOTIONS TO ADMIT EXHIBITS AND
	)	WRITTEN DIRECT TESTIMONIES
	)	(DOC 511); MEMORANDUM IN
	)	SUPPORT; CERTIFICATE OF
	)	SERVICE
	)	
	)	Hearing Officer: Hon. Riki May Amano
	)	(Ret.)

---

**FLORES-CASE 'OHANA'S JOINDER TO MAUNA KEA ANAINA HOU'S MOTION REQUESTING TIME TO RESPOND TO EXHIBITS OBJECTIONS AND RELATED MATTERS; FLORES-CASE 'OHANA'S MOTION IN OPPOSITION TO UNIVERSITY OF HAWAI'I AT HILO'S OPPOSITION TO MOTIONS TO ADMIT EXHIBITS AND WRITTEN DIRECT TESTIMONIES (DOC 514) AND TO TMT INTERNATIONAL OBSERVATORY, LLC'S MEMORANDUM IN OPPOSITION TO MOTIONS TO ADMIT EXHIBITS AND WRITTEN DIRECT TESTIMONIES (DOC 511)**

Received  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
2017 March 22 11:38 am

Petitioner, E. KALANI FLORES, pro se, representing the FLORES-CASE 'OHANA, respectfully submits this combined Joinder and Motion, based upon the supporting memorandum, and any record and files herein.

DATED: Pu'ukapu, Hawai'i, March 22, 2017

A handwritten signature in black ink that reads "E. Kalani Flores". The signature is written in a cursive style with a horizontal line underneath it.

---

E. Kalani Flores  
Representing Flores-Case 'Ohana

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

In the Matter of:	)	Case No. BLNR-CC-16-002
A Contested Case Hearing Re	)	
Conservation District Use Application	)	MEMORANDUM IN SUPPORT
(CDUA) HA-3568 for the Thirty Meter	)	
Telescope at the Mauna Kea Science	)	Hearing Officer: Hon. Riki May Amano
Reserve, Ka'ohē, Hamakua District,	)	(Ret.)
Island of Hawai'i, TMK (3) 4-4-015:009	)	
	)	

---

**MEMORANDUM IN SUPPORT**

**I. Introduction**

The Flores-Case 'Ohana submits this combined Joinder and Motion as all these matters are relevant to each other.

**II. Joinder To Mauna Kea Anaina Hou's Motion Requesting Time To Respond To Exhibits Objections And Related Matters**

The Flores-Case 'Ohana concurs with the facts and statement as presented in this Motion and thus submit this Joinder.

**III. Flores-Case 'Ohana's Motion In Opposition To University Of Hawai'i At Hilo's Opposition To Motions To Admit Exhibits And Written Direct Testimonies (Doc 514) And To TMT International Observatory, LLC's Memorandum In Opposition To Motions To Admit Exhibits And Written Direct Testimonies (Doc 511)**

The University of Hawai'i at Hilo and TMT International Observatory, LLC attempt to exclude relevant and material evidence into this contested case hearing through their filings noted respectfully as Doc 514 and 511.

The Flores-Case 'Ohana does concur with the exclusion of written direct testimony in which the witness was not present for cross-examination.

The Flores-Case ‘Ohana contends that all of its exhibits admitted into evidence through its filings noted as Doc 487 and 500 were relevant, material, not unduly repetitious, submitted in support of written direct testimony and/or as rebuttal evidence, met the deadlines for submittals as outlined by the Hearing Officer, and are consistent with HRS § 19-10 as noted below:

**§91-10 Rules of evidence; official notice. In contested cases:**

- (1) 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.
- (2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request parties shall be given an opportunity to compare the copy with the original.
- (3) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.
- (4) Agencies may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within their specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.
- (5) Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence. [L 1961, c 103, §10; Supp, §6C-10; HRS §91-10; am L 1978, c 76, §1]

**IV. Conclusion**

As such, the Flores-Case ‘Ohana calls upon the Hearing Officer to take notice upon its Joinder and Motion as submitted.

DATED: Pu‘ukapu, Hawai‘i, March 22, 2017



---

E. Kalani Flores  
Representing Flores-Case ‘Ohana

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

BLNR Contested Case HA-16-002  
Document title: FLORES-CASE 'OHANA'S JOINDER TO MAUNA  
KEA ANAINA HOU'S MOTION REQUESTING TIME TO RESPOND  
TO EXHIBITS OBJECTIONS AND RELATED MATTERS; FLORES-  
CASE 'OHANA'S MOTION IN OPPOSITION TO UNIVERSITY OF  
HAWAII AT HILO'S OPPOSITION TO MOTIONS TO ADMIT  
EXHIBITS AND WRITTEN DIRECT TESTIMONIES (DOC 514)  
AND TO TMT INTERNATIONAL OBSERVATORY, LLC'S  
MEMORANDUM IN OPPOSITION TO MOTIONS TO ADMIT  
EXHIBITS AND WRITTEN DIRECT TESTIMONIES (DOC 511);  
MEMORANDUM IN SUPPORT; CERTIFICATE OF SERVICE

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above referenced documents were served upon the following parties by the means indicated below:

Michael Cain  
[dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov)  
*Custodian of the Records*

Carlsmith Ball LLP  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[jpm@carlsmith.com](mailto:jpm@carlsmith.com)  
[lmcaneley@carlsmith.com](mailto:lmcaneley@carlsmith.com)  
*Counsels for the Applicant University  
of Hawai'i at Hilo*

Law Offices of Yuklin Alulu  
[yuklin@kailualaw.com](mailto:yuklin@kailualaw.com)  
[cdex@hotmail.com](mailto:cdex@hotmail.com)  
*Counsels for Kahea*

Kealoha Pisciotta and Mauna Kea  
Anaina Hou  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

Clarence Kukauakahi Ching  
[kahiwaL@cs.com](mailto:kahiwaL@cs.com)

Flores-Case 'Ohana  
E. Kalani Flores  
[ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)  
B. Pualani Case  
[puacase@hawaiiantel.net](mailto:puacase@hawaiiantel.net)

Deborah J. Ward  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

Paul K. Neves  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

Watanabe Ing LLP  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
[douging@wik.com](mailto:douging@wik.com)  
*Counsels for TMT International  
Observatory, LLC*

Harry Fergerstrom  
*hand delivery or by mail*  
P.O. Box 951  
Kurtistown, HI 96760

Mehana Kihoi  
[uhiwai@live.com](mailto:uhiwai@live.com)

C. M. Kaho'okahi Kanuha  
[kahookahi.kukiaimauna@gmail.com](mailto:kahookahi.kukiaimauna@gmail.com)

Joseph Kualii Lindsey Camara  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

Torkildson, Katz, Moore, Hetherington  
& Harris  
[lsa@torkildson.com](mailto:lsa@torkildson.com)  
[nic@torkildson.com](mailto:nic@torkildson.com)  
*Counsels for Perpetuating Unique  
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)

Lanny Alan Sinkin  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for The Temple of Lono*

Kalikolehua Kanaele  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

Stephanie-Malia:Tabbada  
[s.tabbada@hawaiiantel.net](mailto:s.tabbada@hawaiiantel.net)

Tiffnie Kakalia  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

Glen Kila  
[makakila@gmail.com](mailto:makakila@gmail.com)

Dwight J. Vicente  
*hand delivery or by mail*  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

Cindy Freitas  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

William Freitas  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

Wilma H. Holi  
*hand delivery or by mail*  
P. O. Box 368  
Hanapepe, HI 96716  
*Witness for the Hearing Officer*

Moses Kealamakia Jr.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Witness for the Hearing Officer*



Signature:

Name: E. Kalani Flores

Date: March 22, 2017