



COMES NOW KAHEA: The Hawaiian Environmental Alliance, a domestic non-profit Corporation (KAHEA), by and through its co-counsel named above, and hereby joins in MAUNA KEA ANAINA HOU'S MOTION REQUESTING TIME TO RESPOND TO EXHIBIT OBJECTIONS AND RELATED MATTERS, FILED MARCH 21, 2017 AND IN SUPPORT OF JOINDERS FILED TEMPLE OF LONO, DEBORAH J. WARD, HARRY FERGERSTROM AND KALIKOLEHUA KANAELE FILED ON EITHER MARCH 21 OR 22, 2017.

KAHEA joins the Mauna Kea Anaina Hou's (MKAH) Motion, the joinders filed by Temple of Lono, Ward, Fergerstrom and Kanaele, and hereby incorporates by reference, as though fully set forth herein the facts and arguments presented by these mentioned parties.

Additionally, KAHEA submits and/or reiterates the following points:

**I. Due process requires that parties moving exhibits into evidence have an opportunity to respond to objections**

KAHEA agrees with and joins the position that denying the parties sponsoring exhibits the opportunity to respond to UH Hilo and TMT/TIO objections (hereinafter referred to as "Objections") would subvert and be a clear violation of the sponsoring party's due process rights. KAHEA joins in stating concerns that denying the parties' opportunity to respond to Objections results in the improper exclusion of the sponsoring parties, from the deliberation and consideration of the objections filed, and leaves the deliberation to be between only the parties objecting (UH Hilo and TMT/TIO) and the Hearings Officer. Such a result, is inconsistent with the hearings proceedings on whole and contrary to the spirit and good faith reliance on Hearings Officer Amano's

repeatedly expressed intention to admit all evidence and written direct testimony (wdt) submitted, with only a few exceptions, subject to scrutiny as to the weight and credibility of said exhibit/wdt submitted.

KAHEA further supports and joins in the assertions that:

1. Given the volume of general objections and specific objections, HO Amano should allow substantial time for parties to file their responses;

2. The objections filed lack specificity or basis and, therefore, are unduly burdensome on the sponsoring party/parties;

3. To preclude the filing of responses, to exhibit objections, gives the objecting parties free reign to interpose baseless objections;

4. UH Hilo and TMT/TIO, are unilaterally altering the process set out by the Hearings Office, and reserving the right to later object to evidence, that should have already been admitted into evidence, gives UH Hilo and TMT/TIO a second (and unfair) chance to object to the admission of evidence. This unilateral altering prevents petitioners from having any assurances in the exhibits (and wdt) they can rely on and cite in the preparation and submission of their proposed Findings of Facts, Conclusions of Law and Order. Under these circumstances, the due process rights of petitioners will be unduly prejudiced.

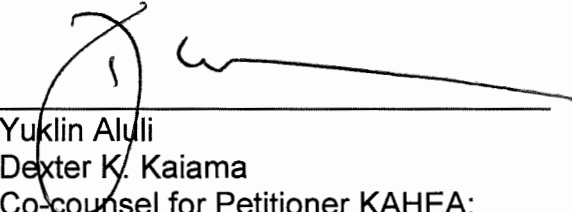
KAHEA agrees with a joins the position taken by the Temple of Lono that UHH and TMT/TIO may be estopped from rejecting the process determined by the Hearings Officer on the grounds stated in the Temple of Lono's Joinder.

KAHEA supports and joins in the suggested remedies outlined in MKAH's Motion Requesting Time to Respond to Exhibits Objections and Related Matters. MKAH's

eight (8) point recommendations, including the request for public hearing and a determination on the admissibility of all exhibits, including the presentation of testimony and argument for or in opposition to the admissibility of exhibits, perhaps best address protecting the due process rights of all parties to this contested case proceeding.

Finally, it is significant to mention that omitting a deadline for the opportunity to respond to objections filed, in the schedule set by Hearings Officer Amano concerning moving, objecting and ruling upon the admissibility of exhibits and wdt, has resulted in the unscheduled filing of responses to objections by a number of parties and exposed a flaw in setting of the schedule concerning the admissibility of exhibits and wdts. At this point, re-opening the proceedings, consistent with the MKAH's eight (8) point recommendation, provides the best opportunity to address a possible fatal flaw to these proceedings.

DATED: Kailua, Hawaii, 03/23/17

  
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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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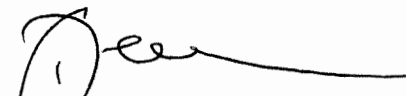
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