

**BOARD OF LAND AND NATURAL RESOURCES**

**STATE OF HAWAII**

IN THE MATTER OF	)	CASE NO. BLNR-CC-16-002
	)	
Contested Case Hearing Re Conservation District	)	<b>Minute Order No. 44</b>
Use Application (CDUA) HA-3568 For the	)	(Documentary Evidence)
Thirty Meter Telescope at the Mauna Kea Science	)	
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i	)	
	)	
	)	
	)	<b>Certificate of Service</b>

**MINUTE ORDER NO. 44**  
**(Documentary Evidence)**

**PROCESS.** At the close of hearing on March 2, 2017, the last day of witness testimonies, a process for moving exhibits and written direct testimonies into evidence was established:

March 9, 2017            Deadline for Motions to move exhibits into evidence.

March 16, 2017        Deadline for responses, oppositions, joinders, etc. to Motions.

The Hearing Officer announced her intention to issue a Minute Order with rulings on March 23, 2017. Notwithstanding such intentions, the volume, extent and complexity of the exhibits, motions and responses necessitated significantly more time than anticipated.

**LAW ON ADMISSIBILITY OF EVIDENCE.**

In making decisions about the exhibits, whether objected to or not, the Hearing Officer followed the legal standards for admission of evidence; to wit, Hawai`i Revised Statutes (“HRS”) §91-10(1) and HAR §13-1-35(a).

Received  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
2017 April 20 10:31 am

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

- (1) 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 applicable Hawai'i Administrative Rule is:

**§13-1-35 Evidence.** (a) The presiding officer may exercise discretion in the admission or rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view of doing substantial justice.

\* \* \*

### **MOTIONS AND RESPONSES.**

The following table reflects all motions and responses submitted, reviewed and considered in rendering the decisions on evidence and written direct testimonies.

<b>Doc #</b>	<b>Date</b>	<b>Party</b>	<b>Title</b>
442	1/7/2017	UHH	The University of Hawaii at Hilo's motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; Declaration of counsel; COS
451	1/23/2017	TIO	TMT International Observatory's motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; Declaration of counsel
463	2/16/2017	Lono	Temple of Lono exhibits entered into evidence

472	2/21/2017 7	KAHEA	Kahea: The Environmental Alliance's motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; COS
476	2/24/2017 7	TIO	TMT International Observatory, LLC's supplement to its motion to admit exhibits and written direct testimony into evidence, filed January 23, 2017; COS
480	2/26/2017 7	W Freitas	William Freitas motion to admit exhibits and written direct testimonies into evidence; Memorandum in support of motion; COS
481	2/26/2017 7	C Freitas	Cindy Freitas motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; COS
482	2/26/2017 7	MKAH, Pisciotta, Neves	Mauna Kea Anaina Hou exhibits and written direct testimony offered into evidence
486	2/28/2017 7	KAHEA	KAHEA's First Supplemental Motion to Admit Exhibits and WDT Into Evidence; Memorandum in Support of Motion; COS
483	2/28/2017 7	Ward	Deborah Ward's Motion to Admit Exhibits and Written Direct Testimony Into Evidence; Memorandum in Support of Motion; COS
487	2/28/2017 7	Flores-Case	Flores-Case 'Ohana's Motion to Admit Evidence and WDT Into Evidence; Memorandum in Support of Motion; COS
485	2/28/2017 7	PUEO	Perpetual Unique Education Opportunities, Inc.'s Motion to Admit Written Direct Testimony and Exhibit; COS
488	3/1/2017	Ching	Clarence Kukauakahi Ching's Motion to Admit Exhibits and Written Direct Testimony Into Evidence; Memorandum In Support of Motion; COS
491	3/3/2017	Lono	Temple of Lono motion to admit opening statement, pre-filed testimony, and exhibits into evidence; Memorandum; COS
492	3/3/2017	C Freitas	Cindy Freitas First Supplemental Motion to Admit Exhibits and Written Direct Testimony Into Evidence; Memorandum in Support of Motion; COS
493	3/6/2017	W Freitas	William Freitas First Supplemental and Amended Motion to Admit Exhibits and Written Direct Testimony Into Evidence; Memorandum in Support of Motion; COS

494	3/6/2017	Fergerstrom	Fergerstrom Motion to move all documents in evidentiary hearing submittals, identified by letter "D" into evidence; memorandum of support; COS
495	3/7/2017	Camara	Joseph Kualii Lindsey Camara's motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; COS
500	3/8/2017	Flores-Case	Flores-Case Ohana's motion to admit first supplemental exhibits into evidence; Memorandum in support of motion; COS
497	3/8/2017	Ching	Clarence Kukauakahi Ching's supplemental motion to admit exhibits and written direct testimony into evidence; COS
499	3/8/2017	Kanaele	Kalikolehua Kanaele motion for admittance of exhibits and prehearing statement as my written direct testimony into evidence ("motion"); Memorandum in support of motion
498	3/8/2017	Vicente	Dwight Vicente's motion to admit exhibits into evidence
506	3/9/2017	UHH	The University of Hawai'i at Hilo's supplemental motion to admit exhibits and written direct testimony into evidence and objection to admission of certain exhibits and written direct testimony; Memorandum in support; COS
508	3/9/2017	TIO	TMT International Observatory, LLC's second supplement to its motion to admit exhibits and written direct testimony into evidence; filed January 23, 2017; COS
505	3/9/2017	KAHEA	Kahea: The Environmental Alliance's second supplemental motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; COS
501	3/9/2017	W Freitas	William Freitas second supplement motion to admit exhibits and written direct testimony into evidence
509	3/9/2017	MKAH, Pisciotta, Neves	Mauna Kea Anaina Hou, Kealoha Pisciotta, and Paul Neves motion to admit first supplemental exhibit list and written direct testimony into evidence; COS
507	3/9/2017	Ward	Deborah Ward's first supplemental motion to admit exhibits and written direct testimony into evidence: Memorandum in support of motion; COS
502	3/9/2017	Kihoi	Mehana Kihoi's motion to admit exhibits and written direct testimony into evidence; Memorandum in support of motion; COS
504	3/9/2017	Sleightholm	Motion to enter pre-hearing statement, witness testimony, and exhibits into evidence
503	3/9/2017	Kakalia	Tiffnie Kakalia's motion to admit exhibits and written direct testimony into evidence
506	3/9/2017	UHH	The University of Hawai'i at Hilo's supplemental motion to admit exhibits and written direct testimony into evidence and objection to admission of certain exhibits and written direct testimony; Memorandum in support; COS
510	3/16/2017	Ching	Clarence Kukauakahi Ching's motion in opposition to the admission of exhibits C-41 and C-42 in TMT International Observatory, LLC's second supplement to its motion to admit exhibits and written direct testimony into evidence, filed January 23, 2014; that was filed on March 9, 2017
511	3/16/2017	TIO	TMT International Observatory, LLC's memorandum in opposition to motions to admit exhibits and written direct testimonies; COS

512	3/16/201 7	C Freitas	Cindy Freitas motion in opposition to the admission of exhibits A-141, A-142, A-143, A-45, A-45a, A-41 and witness testimony Sara Collins, Ph.D, David Lassner, Jesse Alan Eiben, Ph.D, Dennis Charles Gosser and Pat Kaawaiolaa; COS
513	3/16/201 7	Flores-Case	Flores-Case Ohana's response to applicant University of Hawaii at Hilo's motion to admit exhibits into evidence; Memorandum in support of response; COS
514	3/16/207	UHH	University of Hawaii at Hilo's opposition to motions to admit exhibits and written direct testimony; COS

X

X

X

The following table reflects submissions in the Documents Library related to moving exhibits into evidence but filed after the deadline of March 16, 2017.

515	3/18/2017	Fergerstrom	Clarification of items identified as evidentiary submittals under letter "D" to be moved into evidence (Doc 494); Memo of support
517	3/20/2017	KAHEA	Errata to Kahea: The Environmental Alliance's motion to admit exhibits and written direct testimony into evidence filed February 21, 2017; COS
519	3/21/2017	C Freitas	First errata re: Cindy Freitas motion in opposition to the admission of exhibits A-141, A-142, A-143, and witness testimony Pat Kahawaiolaa; COS
520	3/21/2017	Fergerstrom	Opposition to University of Hawaii's opposition to motions to admit exhibits and written direct testimonies (Doc 514); Memorandum of support
521	3/21/2017	Fergerstrom	Opposition to TMT International Observatory opposition to motions to admit exhibits and written direct testimonies (Doc 511); Memorandum of support
525	3/22/2017	Camara	Joseph Kualii Lindsey Camara's response to UH's and TIO's opposition to motions to admit exhibits and written direct testimonies (Docs 511 and 516); Memorandum in support of response; COS

The late submissions **were not** reviewed or considered in the rendering of rulings on exhibits. This does not preclude movants from raising issues via motions to reconsider, if appropriate. All motions to reconsider must meet the standards set out in the "Motion to Reconsider" paragraph below.

### **RULINGS.**

The rulings on exhibits moved into evidence are set out in the spreadsheets identified by moving party and attached hereto. Generally:

- Each and every exhibit appropriately identified by exhibit number has been ruled upon
- Objections to exhibits not moved into evidence were not ruled upon
- Exhibits improperly identified *en masse* were denied; e.g. “All B Series”
- Description of exhibits in the spreadsheets are taken from the motions except as indicated otherwise
- Pre-hearing statements were denied as they are not evidence **except** where movant had no written direct testimony filed in the Documents Library and the movant’s hearing testimony was reflected in his/her pre-hearing statement; in those cases, the Hearing Officer will discern testimony from argument when reviewing the pre-hearing statement received into evidence and determine the application and weight to be given the evidence, if any
- Due to the large number of exhibits, there may be duplicates; these are unintentional
- In some cases, general objections were raised, sometimes followed by objections to specific exhibits; all general objections were considered but are not reflected in the spreadsheets

The rulings on exhibits and receipt of evidence does not imply nor control the weight, if any, to be given to any specific piece of evidence. Parties may still argue that evidence, although received, should be disregarded.

**HEARING OFFICER WITNESS WILMA HOLI EXHIBITS.** On or about February 14, 2017, Hearing Officer Witness, Wilma Holi, submitted “Witness Wilma H. Holi’s exhibit list

and written direct testimony” to the Documents Library; exhibits were attached thereto. She has not moved her exhibits or written direct testimony into evidence.

Ms. Holi is the only Hearing Officer witness to testify during the hearing. She originally moved to be a party but opted to accept the Hearing Officer’s offer to be a Hearing Officer witness. Ms. Holi resides on Kaua`i and flew to Hilo for almost all of the hearings; her appearance was noted whenever she was present.

In the interest of substantial justice, the Hearing Officer intends to receive Ms. Ho’s Written Direct Testimony and her exhibits Z-1-A, Z-1-B, Z-1-C, Z-2, Z-5 and Z-6 into evidence. Exhibits Z-3 and Z-4 will not be received into evidence inasmuch as those exhibits were not submitted to the Documents Library.

This ruling on Ms. Holi’s exhibits and receipt of those exhibits into evidence, does not imply nor control the weight, if any, to be given to her exhibits. Parties may still argue that evidence, although received, should be disregarded.

**MOTION TO RECONSIDER.** A party, who believes it appropriate, may file a motion to reconsider. Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992).

The deadline for submission of any **motion** to reconsider this minute order is no later than **5 business days** after the date this Minute Order is filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **5 business days** after any motion to reconsider this Minute Order is filed in the Documents Library.



Any Motion to Reconsider shall be considered a non-hearing motion unless otherwise designated by the Hearing Officer.

**FILING/SUBMISSION PROCEDURES.** An original of the filing/submission **must be received** by the DLNR Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, Hawai'i 96813; **no later than 4:00 p.m. on the deadline set forth.** (emphasis added). A digital copy in pdf form should be sent to [dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov), or delivered to the above office, on the same deadline.

**IT IS SO ORDERED.**

DATED: Honolulu, Hawai'i, April 20, 2017.

A handwritten signature in black ink, appearing to be 'RMA', written over a horizontal line.

Judge Riki May Amano (Ret.)  
Hearing Officer

Exh.	UHH EXHIBITS Description	DOC. NOS. 442, 506		Rulings
		C. Freitas objections (Doc 512)	Flores-Case objections (Doc 513)	
WDT	Perry J. White			Received.
WDT	James T. Hayes (As amended by Notice of Errata filed Oct. 24, 2016)			Received.
WDT	Clifford Smith			Received.
WDT	Robert McLaren			Received.
WDT	Chad Kalepa Baybayan			Received.
WDT	Guenther Hasinger			Received.
WDT	Fritz Klasner			Received.
WDT	Stephanie Nagata			Received.
WDT	Tom Nance			Received.
WDT	Richard Nees (Amended)			Received.
WDT	Hon. Walter M. Heen (Ret.)			Received.
WDT	Wallace A. Ishibashi, Jr.			Received.
A-1	Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope (TMT) Project from the University of Hawaii (September 2, 2010)			Received.
A-2	TMT Project Chapter 343 Final Environmental Impact Statement (EIS) Summary Sheet			Received.
A-3	TMT Final EIS Volume 1 (May 8, 2010)			Received.
A-4	TMT Final EIS Volume 2 (May 8, 2010)			Received.
A-5	TMT Final EIS Volume 3 (May 8, 2010)			Received.
A-6	Acceptance Letter of the Governor Regarding TMT Final EIS (May 19, 2010)			Received.
A-7	OCCL Staff Report on CDUA HA-3568 for the TMT (February 25, 2011)		This is an "unofficial version" that is neither signed by any OCCL administrator/staff planner or BLNR chairperson	Received over Flores-Case Ohana objection. Hearing Officer will determine application and weight of the exhibit.
A-8	Exhibits to OCCL Staff Report on CDUA HA-3568 for the TMT			Received.
A-9	Mauna Kea Comprehensive Management Plan (January 2009)		This version appears to be an older version that was replaced with a subsequent version dated April 2009 as noted on the OMKM website: <a href="http://www.malamamaunakea.org/management/comprehensive-management-plan">http://www.malamamaunakea.org/management/comprehensive-management-plan</a>	Received over Flores-Case Ohana objection. Hearing Officer will determine application and weight of the exhibit.
A-10	Natural Resource Management Plan (September 2009)			Received.
A-11	Cultural Resources Management Plan (October 2009)			Received.
A-12	Public Access Plan (January 2010)			Received.
A-13	Decommissioning Plan (January 2010)			Received.
A-14	OCCL Staff Report, Resource Subplans (March 25, 2010)			Received.
A-15	2010 Annual Report (April 1, 2010)			Received.

A-16	2010 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-17	2011 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-18	2012 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-19	2013 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-20	2014 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-21	2015 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-22	2016 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions			Received.
A-23	OCCL Case File (correspondence) (October 7, 2010)			Received.
A-24	Presentation for TMT to BLNR (February 25, 2011)			Received.
A-25	Presentation against TMT; CC Request (February 25, 2011)			Received.
A-26	Minutes from BLNR Meeting (February 25, 2011)			Received.
A-27	Staff Report on Request for Contested Case Hearing (February 25, 2011)			Received.
A-30	Curriculum Vitae of Perry J. white			Received.
A-31	Demonstrative exhibits for Perry J. white			Received.
A-32	Curriculum Vitae of Gunther Hasinger			Received.
A-33	UH Economic Research Organization (UHERO) Report			Received.
A-34	Follow-Up audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 14-07 (August 2014)			Received.
A-35	Curriculum Vitae of Testimony of James T. Hayes			Received.
A-36	Demonstrative exhibits for James T. Hayes			Received.
A-37	Curriculum Vitae of Clifford Smith			Received.
A-38	Demonstrative exhibits for Robert McLaren (Decommissioning Plan, Figure 1)			Received.

A-39	Letter from David Lassner, President, University of Hawaii to Governor David Ige (November 17, 2015)			Received.
A-40	Maunakea Invasive Species Management Plan			Received.
A-43	Curriculum Vitae of Tom Nance			Received.
A-44	Demonstrative Exhibits for Tom Nance			Received.
A-47	PowerPoint Presentation of Stephanie Nagata Regarding Mauna Kea Management			Received.
A-48	Mauna Kea Reserve Master Plan adopted June 16, 2000		This version is missing the original cover that has been replaced with about 8 pages extracted from the Appendix; also, it includes green inserts that are not part of the original document	Received over Flores-Case Ohana objection. Hearing Officer will determine application and weight of the exhibit.
A-50	Letter: DLNR letter Approving of Mauna Kea Comprehensive Management Plan dated April 15, 2009			Received.
A-51	Final Environmental Assessment for the Comprehensive Management Plan filed April 23, 2009			Received.
A-52	Major Project Sequence of Steps approved by MKMB October 14, 2009			Received.
A-54	Visual Impact Assessment Technical Report dated December 2009			Received.
A-55	Final Archaeological Inventory Survey of the Astronomy Precinct dated January 2010			Received.
A-56	Final Archaeological Inventory Survey of the Mauna Kea Access Road Management Corridor dated February 2010			Received.
A-58	Minutes: Board of Regents Meeting, February 18, 2010			Received.
A-59	Minutes: Mauna Kea Management Board, February 25, 2010			Received.
A-60	Letter from DLNR Regarding Approval of Sub Plans dated April 12, 2010			Received.
A-61	Minutes: Mauna Kea Management Board, April 21, 2010			Received.
A-62	Minutes: Mauna Kea Management Board, May 19, 2010			Received.
A-64	Minutes: Board of Regent's Meeting, June 28, 2010			Received.
A-65	Minutes: Mauna Kea Management Board, Wednesday, September 1, 2010			Received.
A-66	Letter from State Historic Preservation Division regarding Archaeological Inventory Survey for the Thirty Meter Telescope Observatory Project dated January 27, 2011			Received.
A-67	Cultural Impact Study by PHRI			Received.
A-68	Figure 1.3: Mauna Kea Summit Region: Existing Facilities, Features, & Future Development Areas			Received.
A-69	Planning Guide for the 2000 UH Master Plan			Received.

A-70	Final Environmental Impact Statement for the Outrigger Telescopes Project - Vol. 1 dated February 2005 (Excerpts)			Received.
A-71	Summary of TMT Mitigation Measures			Received.
A-73	March 25, 2008 Letter from Ku'iwalu regarding Notice of Land Board Briefing on the CMP for Mauna Kea at its April 11, 2008 meeting			Received.
A-74	April 10, 2008 Letter from Mauna Kea Anaina Hou to BLNR regarding April 11, 2008 Hearing and Comments			Received.
A-75	May 13, 2008 transcript of the Mauna Kea CMP Community Hearing			Received.
A-76	Letter from Sandra Dawson, TMT to Paul Campbell regarding start of environmental process for proposed telescope project			Received.
A-77	Letter from Sandra Dawson, TMT to Clarence Ching regarding start of environmental process for proposed telescope project			Received.
A-78	Letter from Sandra Dawson, TMT to Royal Order of Kamehameha I regarding start of environmental process for proposed telescope project			Received.
A-79	August 25, 2008 Letter from Ku'iwalu to William Tam regarding Plaintiffs concern regarding participation			Received.
A-80	Letter from Sandra Dawson, TMT to Kealoha Pisciotto regarding start of environmental process for proposed telescope project			Received.
A-81	September 24, 2008 Record Detail (Deborah Ward)			Received.
A-82	October 8, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"			Received.
A-83	October 14, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"			Received.
A-84	October 16, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"			Received.
A-85	October 24, 2008 Testimony in Opposition to the TMT Project and EA/EIS Process by Mauna Kea Anaina Hou, The Royal Order of Kamehameha I, and Clarence Kukaakahi Ching			Received.
A-86	November 18, 2008 Transcript of Mauna Kea CMP Public Hearing (Excerpts)			Received.
A-87	March 20, 2009 Letter from Deborah Ward to the Mauna Kea Management Board regarding Comments on CMP			Received.
A-88	May 22, 2009 Email from info@tmt-hawaiiis.org to dward@hawaii.edu regarding draft EIS-TMT observatory project			Received.
A-89	June 17, 2009 Sign-In Sheet "Thirty Meter Telescope Draft EIS Public Review and Comment Meeting"			Received.
A-90	June 25, 2009 Sign-In Sheet "Thirty Meter Telescope Draft EIS Public Review and Comment Meeting"			Received.

A-91	July 7, 2009 Letter from Kealoha Pisciotto, Clarence Kukaakahi Ching, Paul K. Neves to TMT Observatory Project, Office of Environmental Quality Control regarding TMT draft environmental impact statement			Received.
A-92	August 14, 2009 Email regarding copies of the Mauna Kea CRMP and Mauna Kea NRMP for public examination			Received.
A-93	Open House Advertisements and dates of publication in the West Hawaii Today and Tribune-Herald			Received.
A-94	October 29, 2009 Letter from Mauna Kea Anaina Hou to Jeff Melrose regarding Public Access Plan			Received.
A-95	KAHEA Comments of BLNR subplans; Exhibit A			Received.
A-98	January 27, 2010 filed Order Granting Appellees UH and UH Institute for Astronomy's Motion to Dismiss Appeal Filed October 20, 2009; civil No. 09-1-336			Received.
A-99	March 24, 2010 Sierra Club BLNR subplan testimony			Received.
A-100	March 25, 2010 BLNR Meeting and Amended Comments on the Proposed CRMP by Clarence K. Ching			Received.
A-101	March 25, 2010 Testimony of Paul K. Neves and Mauna Kea Anaina Hou at the BLNR Public Hearing			Received.
A-102	April 21, 2010 Approved Minutes of the MKMB			Received.
A-103	May 8, 2010 Letter with Enclosure from Rose Tseng to Clarence "Ku" Ching regarding comments received on draft environmental impact statement and final environmental impact statement - thirty meter telescope observatory project			Received.
A-104	May 8, 2010 Letter with Enclosure from Rose Tseng to Kealoha Pisciotto regarding comments received on draft environmental impact statement and final environmental impact statement - thirty meter telescope observatory project			Received.
A-105	May 8, 2010 Letter with Enclosure from Rose Tseng to Paul K. Neves regarding comments received on draft environmental impact statement and final environmental impact statement - thirty meter telescope observatory project			Received.
A-108	Batch Plant Runoff Topography			Received.
A-109	Visualization of TMT Observatory from the Northern Ridge of Kukahau'ula			Received.
A-110	Visualizations of TMT Observatory from Pu'u Poli'ahu			Received.
A-111	Management and Implementation Framework for Project Development			Received.
A-119	Curriculum Vitae of Richard Nees			Received.
A-120	Curriculum Vitae of Chad Kalepa Baybayan			Received.

A-122	McCoy, Patrick C. & Richard C. Nees. Final Archaeological Inventory Survey of the Mauna Kea Ice Age Natural Area Reserve Ka'ohē Ahupua'a, Hamakua District, Island of Hawai'i dated August 2013			Received.
A-123	Park & Walden. Final Archaeological Inventory Survey of Hale Pohaku Rest House I and Comfort Station, Ka'ohē Ahupua'a, Hamakua District, Island of Hawai'i (Volume I) dated February 2010			Received.
A-124	ACHP June 4, 2014 correspondence re: NSF cooperative agreement with Thirty Meter Telescope (TMT)			Received.
A-125	ACHP June 23, 2014 correspondence re: NSF cooperative agreement with Thirty Meter Telescope (TMT)			Received.
A-126	June 2014 emails re: re: NSF cooperative agreement with Thirty Meter Telescope on Mauna Kea			Received.
A-127	Curriculum Vitae of Robert McLaren			Received.
A-128	Provisions for the Final Burial Treatment Plan for burial sites in the Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor			Received.
A-129	Pua Case Facebook Post, February 1, 2015			Received.
A-130	Hawaiian Antiquities (Mooolelo Hawai'i) by David Malo 1898			Received.
A-131	Email from E.Kalani Flores to Mishalla Spearing Re Thirty Meter Telescope CIA			Received.
A-132	DLNR Adoption of Chapter 13-276 HAR October 31, 2001			Received.
A-133	Minutes Regular Meeting Mauna Kea Mgt Board November 25, 2014			Received.
A-134	EIS Preparation Notice			Received.
A-134a	Federal Register Vol. 76 No.207 October 26, 2011			Received.
A-135	Introduction and Distribution of Ochotellus glaber in the Maunakea Forest Reserve			Received.
A-136	Mauna Kea management Board (MKMB) Environmental Committee			Received.
A-137	Correspondence from State Historic Division to Office of Conservation and Coastal Lands, December 1, 2010			Received.
A-138	Final Report, Burial treatment plan for burial sites in the Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor, Kaohē Ahupua'a, Hamakua District, Island of Hawaii			Received.
A-138a	Cultural descendant recognition of unidentified human skeletal remains located at Mauna Kea Science Reserve and the Mauna Kea Access Road Corridor			Received.
A-139	Correspondence from DLNR to Pacific Consulting Services, July 11, 2014			Received.

A-140	Appendix A Documentation of Potential historic properties			Received.
A-141	Historic preservation mitigation plan in support of construction of the Thirty Meter Telescope in the Astronomy Precinct on Mauna Kea	"I did not have an opportunity to cross-examine the exhibit though [sic] Mr. Gosser or Ms. Collins."		Denied in consideration of C. Freitas' objection.
A-142	Final Report, Archaeological monitoring plan in support of construction of the Thirty Meter Telescope in the Astronomy Precinct on Mauna Kea	"I did not have an opportunity to cross-examine the exhibit though [sic] Mr. Gosser or Ms. Collins."		Denied in consideration of C. Freitas' objection.
A-143	Correspondence from State Historic Preservation Division to Pacific Consulting Services, April 24, 2013	"I did not have an opportunity to cross-examine the exhibit though [sic] Mr. Gosser or Ms. Collins."		Denied in consideration of C. Freitas' objection.
A-144	Kahu Ku Mauna Council (KKMC) guidelines			Received.
A-144a	Keahi Tajon's application to be a member of KKMC			Received.
A-145	October 13, 2010 KKMC meeting minutes			Received.
A-146	May 19, 2010 MKMB meeting minutes and KKMC council statement to MKMB re support/nonsupport of TMT			Received.
A-147	Brian Cruz Mauna Kea 2 Hours			Received.
A-148	Initial Draft Cultural Impact Assessment - Appendix D of Volume 2 of the Draft Environmental Impact Statement for the Thirty-Meter Telescope Project			Received.
A-148a	Volume I of the Draft Environmental Impact Statement for the Thirty-Meter Telescope Project			Received.
A-149	Brian Cruz Unemployment Insurance Division Decision			Received.
A-150	2017-02-03 Environment Hawai'i Article (Sierra Club Director Makes Several Dubious Assertions)			Received.
A-151	2011-03-30 KAHEA Ltr. To S.Lemmo			Received.
A-152	1995-06-02 Ka La Hui Hawaii Ltr. To M. Wilson & D.Hall re cultural Review			Received.
A-153	1995-07-06 DLNR Ltr. To M.Trask re Proposal for Cultural Review			Received.
A-154	1997-02-04 Sierra Club Ltr. To M.Soloman re Legislative Audit			Received.
A-155	1997-05-22 DLNR Ltr. To N.Ho re Legislative Audit			Received.
A-156	September 2003 CWRM North and South Kona Ground-Water Conditions Study			Received.
A-157	Photo (rocks blocking road 1)			Received.
A-158	Photo (rocks blocking road 2)			Received.
A-159	Photo (ahu on road)			Received.



MKAH-PISCIOTTA-NEVES EXHIBITS		DOC. NOS. 482, 509	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
Exh.	Description				
WDT	Manulani Meyers				Received.
WDT	Jon Osorio				Received.
WDT	Ku Kahakalau				Received.
WDT	Eric Hansen				Received.
WDT	Kehaunani Abad				Received.
WDT	Laulani Teale				Received.
WDT	Deborah J Ward				Received.
WDT	Clarence Kukauakahi Ching				Received.
WDT	E. Kalani Flores				Received.
WDT	Pua Case				Received.
WDT	Hawane Rios				Received.
WDT	Ruth Aloua				Received.
WDT	Diana La Rose				Received.
WDT	Candice Fujikane				Received.
WDT	Marti Townsend				Received.
WDT	Narissa Spies				Received.
WDT	David James Vicente				Received.
WDT	Maile Taualli				Received.
WDT	Kuulei Kanahale				Received.
	All MK Hui Series B Collective Exhibits		The offer is contrary to the Hearing Officer's instructions to individually identify or list specific exhibits sought to be admitted into evidence.	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.	Denied <u>except</u> for those "B" exhibits specifically received into evidence.
	Pre-hearing Statement		Pre-hearing statement is argument, not evidence.	Objects to the extent this document contains the parties' legal arguments and attorney argument, which are not evidence.	Denied. Pre-hearing Statements are not evidence.
	Pisciotta amended work history			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.	Received over UHH objection. This exhibit serves as an errata to Ms. Pisciotta's testimony and WDT. Hearing Officer will determine the application and weight of the evidence, if any.
	2nd Amendment to Pisciotta Work History			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.	Received over UHH objection. This exhibit serves as an errata to Ms. Pisciotta's testimony and WDT. Hearing Officer will determine the application and weight of the evidence, if any.
B.01a	Kealoha Pisciotta WDT				Received.

B.01b	National Science Foundation Award Abstract to the TMT Corporation #0443999		Immaterial; irrelevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01c	Amicus Brief of Abigail Kawanakoa 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	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
B.01d	HA-11- 05 Petitioners' Opening Brief TMT CCH (2011)		Legal argument is not evidence; immaterial and irrelevant to this proceeding	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
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	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
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	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
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	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
B.01h	Kealooha Pisciotto's written direct testimony for and cross examination (September 26, 2011)		The 2011 WDT is duplicative of B.01a (2016 Pisciotto WDT)	Denied. This exhibit is irrelevant and immaterial to this hearing unless it were offered for impeachment purposes.
B.01i	Kealooha Pisciotto's Closing Statement presented September 30, 2011		Legal argument is not evidence	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
B.01j	Written explanation and invitation to Aloha Ceremonies Puu Hulu Hulu October 7, 2011			Received.
B.01k	KAHEA newsletter, Mauka to Makai, vol. 1, 2010.			Received.
B.01l	"Intentionally left blank"			Received.
B.01m	Testimony of Kealooha Pisciotto and Kinohi Neves, Feb. 2, 2013 oral arguments		Legal argument is not evidence	Denied in consideration of UHH objection. This exhibit is not evidence; it is argument.
B.01n	Press Statement, Governor Ige's Ten Point Plan for Mauna Kea, May 26, 2015			Received.

B.01o	Request for Section 106 consultation on TMT proposal, Pisciotto comments to the TMT DEIS, July 7, 2009		Because Section 106 does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding. 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.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01p	Natl Bulleting 38 guidelines for evaluating TCPs		Because Section 106 does not apply to this project, this exhibit is immaterial and irrelevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01q	Temple Report ROOK MKAH 2011			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
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	Denied in consideration of UHH objection.
B.01s	Consideration of cumulative impacts, NEPA		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01t	Traditional view planes			Received.
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	Denied in consideration of UHH objection.
B.01v	Kealoha Pohaku on MK			Received.
B.01w	Southern Cross from MK			Received.
B.01x	Letter from Bob McLaren to K. Pisciotto			Received.
B.01y	Letter from Marc Smith, SHPD to K. Pisciotto			Received.
B.01z	Mauna Kea Huakahi trails			Received.
B.01aa	Mete bounds SC 1968			Received.
B.01ab	NatGeo Sacred Journeys			Received.
B.01ac	One dollar sublease 1987		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01ad	Gemini NSF agreement \$1yr p. 16		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01ae	Operating agreement Japan 1992		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.

B.01af	1983 SERC sublease		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01ag	Sci Cult clash over sacred mtn			Received.
B.01ah	2.25.2011 BLNR minutes, p. 1-24			Received.
B.01ai	Biggest telescope has big price tag			Received.
B.01aj	Legal fees spike at UH		Immaterial; not relevant to this proceeding	Denied in consideration of UHH objection.
B.01ak	Lele			Received.
B.01al	Lele destroyed			Received.
B.01am	Lele incident with soldiers' flags			Received.
B.01an	Leave landscape sign			Received.
B.01ao	Yays Pays article			Received.
B.01ap	Planning partnership model for a Giant Segmented Mirror Telescope		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01aq	NSF award search: Award #1347767 - Professional development program: Building a multi-level diverse workforce in astronomy			Received.
B.01ar	Science and technology drivers for future giant telescopes		The University objects to this exhibit as superfluous; court opinions do not need to be admitted into evidence as exhibits	Received over UHH objection. The exhibit is not court opinion. Hearing Officer will determine the application and weight of the evidence, if any.
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.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.01at	Gemini/ Dept Of Health Clean Water Branch letter		Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.12a	Peter Mills, Ph.D. WDT			Received.
B.12b	No exhibit on file			No exhibit. No ruling.
B.12c	No exhibit on file			No exhibit. No ruling.
B.18a	Paul K. Neves WDT			Received.
B.18b	No exhibit on file			No exhibit. No ruling.
B.18c	Hand Drawn Exhibits by Kealoa Pisciotto From Oral Testimony; View plane of Proposed TMT Site Without TMT.	No position.		Received.
B.18d	Hand Drawn Exhibits by Kealoa Pisciotto From Oral Testimony; View plane of Proposed TMT Site Without TMT.	No position.		Received.

B.18e	Hand Drawn Exhibits by Kealoa Pisciotto From Oral Testimony. View plane of Proposed TMT Site Without TMT.	No position.		Received.
B.18f	Hand Drawn Exhibits by Kealoa Pisciotto From Oral Testimony. View plane of Proposed TMT Site Without TMT.	No position.		Received.
B.18g	Hand Drawn Exhibits by Kealoa Pisciotto From Oral Testimony. View plane of Proposed TMT Site Without TMT.	No position.		Received.
B.18h	Mauna Kea Hui letter to Governor Ige dated April 1, 2015 signed by 66,565 people and hand delivered to Governor Ige -April 2015	No position.		Received.
B.18i	(duplicate)	No position.		No exhibit. No ruling.
B.18j	Mauna Kea Hui Press Statement re Petition Delivery to Ige Chief of Staff Mike McCartney	No position.		Received.
B.15c	Kamakuhikilani Van Oelhoffen on Mauna Kea	No position.		Received.
B.30	(Doc R-1) CDUA HA-3568	No position.	Duplicative of Ex. A-1/R-1	Denied in consideration of UHH objection.
B.31	(Doc R-2) TMT FEIS Summary Sheet	No position.	Duplicative of Ex. A-2/R-2	Denied in consideration of UHH objection.
B.32	(Doc R-3) TMT FEIS Vol. 1	No position.	Duplicative of Ex. A-3/R-3	Denied in consideration of UHH objection.
B.33	(Doc R-4) TMT FEIS Vol. 2	No position.	Duplicative of Ex. A-4/R-4	Denied in consideration of UHH objection.
B.34	(Doc R-5) TMT FEIS Vol. 3	No position.	Duplicative of Ex. A-5/R-5	Denied in consideration of UHH objection.
B.35	(Doc R-7) DLNR-OCCL CDUA HA-3568 Report	No position.	Duplicative of Ex. A-7/R-7	Denied in consideration of UHH objection.
B.36	(Doc R-8) DLNR-OCCL Exhibits	No position.	Duplicative of Ex. A-8/R-8	Denied in consideration of UHH objection.
B.37	MKSR Master Plan (2000)	No position.	Duplicative of A-48	Denied in consideration of UHH objection.
B.38	MKSR Master Plan Appendix (2000)	No position.	Duplicative of A-9 and B.28	Denied in consideration of UHH objection.
B.39	Mauna Kea CMP (2009)	No position.	Duplicative of Ex. A-11	Denied in consideration of UHH objection.
B.40	CRMP - CMP Sub-Plan	No position.	Duplicative of Ex. A-10	Denied in consideration of UHH objection.
B.41	NRMP - CMP Sub-Plan (2009)	No position.	Duplicative of Ex. A-12	Denied in consideration of UHH objection.
B.42	Public Access Plan - CMP Sub-Plan	No position.	Duplicative of Ex. A-13	Denied in consideration of UHH objection.
B.43	Decommissioning Plan - CMP Sub-Plan (2010)	No position.		Received.

B.28	Kinolau image of Poiiahu		Duplicative of Ex. A-9*	Received. *B-28 is described in UHH's objection as "Mauna Kea Comprehensive Management Plan - UH Management Areas" but B-28 in the Documents Library is an image
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FLORES-CASE 'OHANA EXHIBITS			DOC. NOS. 487, 500	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
Exh.	Description					
B.02a	E. Kalani Flores WDT					Received.
B.02b	E. Kalani Flores CV					Received.
B.02c	UIPA request				Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.02c-2	UIPA Request (part 2)				Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.02d	Ho'ohana Aku, a Ho'ola Aku					Received.
B.02e	Geotechnical Activities photos					Received.
B.02f	TMT Sublease					Received.
B.02g	Order for Remand (Civil No. 14-1-324)				Immaterial; not relevant to this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.02h	CMP 2015 Annual Report					Received.
B.02i	Monitoring Report					Received.
B.02j	Shrine article					Received.
B.02k	EISP- New Master Leases					Received.
B.02l	Figure 4.1 (CDUA at 4-2)					Received.
B.02m	Figure 5.1 (AIS AP at 5-5)					Received.
B.02n	Figure 2.9 (CRMP-CMP at 2-52)					Received.
B.02o	Subaru & Gemini domes					Received.
B.02p	TMT renderings (CDUA at 1-16, 1-17)					Received.
B.02q	Figures 7.5 (CDUA at 7-10)					Received.
B.02r	Figures 7.8 (CDUA at 7-12)					Received.
B.02s	General Plan					Received.
B.02t	Figure IX-16 (MK MP)					Received.
B.02u	Figure IX-21 (MK MP)					Received.
B.02v	Sacred Mounts					Received.
B.02w	Portal					Received.
B.02x	Comparison - Hawai'i State Capitol vs. TMT Observatory					Received.
B.02y-1	Sect 5.0 FAIS – MKSR, Vol. 1					Received.
B.02y-2	Appendix E FAIS – MKSR, Vol. 1					Received.
B.02z	CMP Implementation Plan (2010)					Received.
B.02aa	Email Support Letters					Received.
B.02ab	Chapter 13-5 (older version)				The University objects to this exhibit as superfluous; the administrative rules speak for themselves and do not need to be admitted as exhibits.	Denied in consideration of UHH objection. The administrative rule does not need to be admitted as an exhibit.

B.02ac	Chapter 13-5 (2011 version)		Immaterial; not relevant to this proceeding	Denied in consideration of UHH objection. The administrative rule does not need to be admitted as an exhibit.
B.02ad	Chapter 13-5 Amendments		Immaterial; not relevant to this proceeding	Denied in consideration of UHH objection. The administrative rule does not need to be admitted as an exhibit.
B.05a	Manulani Aluli-Meyer, Ed.D. WDT			Received.
B.05b	Manulani Aluli-Meyer, Ed.D. CV			Received.
B.06a	Ku Kahakalau, Ph.D. WDT			Received.
B.06b	Ku Kahakalau, Ph.D. CV			Received.
B.21a	B. Pualani Case WDT			Received.
B.21b	Aumakua article			Received.
B.21c	Mediums accounts			Received.
B.21d	Manaua article			Received.
B.21e	Ceremonies photos			Received.
B.21f	Ho'olokahi chant			Received.
B.21g	Lake Waiuua article			Received.
B.21h	Ko'a Heiau Holo Moana, Kohala, Hawai'i			Received.
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.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.23b	Picture of Mo'oinanea			Received.
B.24a	Ruth Aloua, M.A. WDT			Received.
B.24b	Ruth Aloua, M.A. CV			Received.
B.25a	Diana LaRose WDT			Received.
B.25b	Sites Diagram			Received.
B.28	CMP (April 2009)		Duplicative of A-9	Denied in consideration of UHH objection.
B.29	CMP Appendices (April 2009)			Received.
B.30	CDUA HA-3568		Duplicative of Ex. A-1/R-1	Denied in consideration of UHH objection.
B.31	TMT FEIS Summary Sheet		Duplicative of Ex. A-/R-2	Denied in consideration of UHH objection.
B.32	TMT FEIS Vol. 1		Duplicative of Ex. A-3/R-3	Denied in consideration of UHH objection.
B.33	TMT FEIS Vol. 2		Duplicative of Ex. A-4/R-4	Denied in consideration of UHH objection.
B.34	TMT FEIS Vol. 3		Duplicative of Ex. A-5/R-5	Denied in consideration of UHH objection.
B.35	DLNR-OCCL CDUA HA-3568 Report		Duplicative of Ex. A-7/R-7	Denied in consideration of UHH objection.



B.36	DLNR-OCCL Exhibits		Duplicative of Ex. A-8/R-8	Denied in consideration of UHH objection.
B.37a	MKSR Master Plan (2000)		Duplicative of Ex. A-48	Denied in consideration of UHH objection.
B.37b	MKSR Maser Plan Appendix (2000)		Duplicative of Ex. A-48	Denied in consideration of UHH objection.
B.38	Mauna Kea CMP (2009)		Duplicative of Ex. A-9 and B.28	Denied in consideration of UHH objection.
B.39	CRMP - CMP Sub-Plan		Duplicative of Ex. A-11	Denied in consideration of UHH objection.
B.40	NRMP - CMP Sub-Pan (2009)		Duplicative of Ex. A-10	Denied in consideration of UHH objection.
B.41	Public Access Plan - CMP Sub-Plan		Duplicative of Ex. A-12	Denied in consideration of UHH objection.
B.42	Decommissioning Plan - CMP Sub-Plan (2010)		Duplicative of Ex. A-13	Denied in consideration of UHH objection.
B.43	CMP Implementation Plan (2010)			Received.
B.60	Mauna Kea - Ka Piko Kaulana o ka Aina			Received.
B.61	Mauna Kea - Ka Piko Kaulana o ka Aina, Appendix A			Received.
B.62	FAIS - MKSR, Vol. 1			Received.
B.63	FAIS - MKSR, Vol. 2			Received.
B.70	Staff Report CDUA		Duplicative of Exs. A-7/R-7 and B.35	Denied in consideration of UHH objection.
B.71	Staff Report Contested Case Hearing			Received.
B.72	BLNR Minutes 2-25-11			Received.
B.73	AHCC 13-52 Resolution			Received.
B.74	AHCC 16-30 Resolution			Received.
B.75	OHA BOT Minutes 4-30-15			Received.
B.76	OHA Resolution			Received.
B.77	Legislature 2017 Mauna Kea Annual Report			Received.
B.78	Countries on Mauna Kea			Received.
B.14	Pualani Kanahele Transcript	Untimely. Flores/Case Ohana did not identify or produce Exhibit 8.14 until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017. Exhibit 8.14 is essentially direct testimony from Ms. Kanahele. TIO did not have the opportunity to cross-examine Ms. Kanahele.	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.	Denied in consideration of TIO and UHH objections.
B.26	Hawaii County General Plan 2005	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.26 until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.

B.27	Webpage	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.27 until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.81a	OMKM Hawaiian Culture	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.81a until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.81b	OMKM Historic Properties	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.81b until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.81c	OMKM CMP Policies	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.81c until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.81d	OMKM CMP Policies	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.81d until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.81e	OMKM MKSR Master Plan	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.81e until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.82a	Hawaiian Protocol	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.82a until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.

B.82b	Our Sacred Mountain	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.82b until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.83	Imiloa - Cultural Significance	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.83 until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.84	Astronomy Workforce Report	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.84 until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.85a	HIEDB board	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.85a until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.85b	HIEDB 2008 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.85b until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.85c	HIEDB 2009 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.85c until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.85d	HIEDB 2010 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.85d until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.85e	HIEDB 2012 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.85e until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.

B.86a	TMT 2010 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.86a until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.86b	TMT 2011 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.86b until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.86c	TMT 2012 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.86c until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.86d	TMT 2013 990	Untimely. Flores/Case Ohana did not identify or produce Exhibit B.86d until March 8,2017, after the close of the testimony portion of the CCH on March 2,2017.	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.	Denied in consideration of TIO and UHH objections.
B.79	EISPN-New Master Leases for MKSR	I		Received.
B.37	MKSR Master Plan (2000)			Received.
B.38	MKSR Master Plan Appendix (2000)			Received.
B.39	Mauna Kea CMP (Jan 2009)			Received.
B.40	CRMP-CMP Sub-Plan (2009)			Received.
B.41	NRMP-CMP Sub-Plan (2009)			Received.
B.42	Public Access Plan - CMP Sub-Plan (2010)			Received.
B.43	Decommissioning Plan - CMP Sub-Plan (2010)			Received.

KAHEA: THE HAWAIIAN-ENVIRONMENTAL ALLIANCE EXHIBITS		DOC. NOS. 472, 486, 505		
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
B.03a	Testimony of Marti Townsend, Esquire			Received.
B.04a	Testimony of Maile Taulili, Ph.D.			Received.
B.07a	Testimony of Jon Osorio, Ph.D.			Received.
B.08a	Testimony of Kehaunani Abad, Ph.D.			Received.
B.09a	Testimony of Davin James Vincente, M.S.			Received.
B.10a	Testimony of Erik Hansen, M.S.			Received.
B.11a	Testimony of Kuulei Kanahele, M.Ed.			Received.
B.13a	Testimony of Candace Fujikawa, Ph.D.			Received.
B.03b	UH progress report on Governor's 10 point plan(May 25, 2015)			Received.
B.03c	Final Archaeological Inventory Survey of the Mauna Kea Access Road Management Corridor, Pacific Consulting Services, Inc. (McCoy, February 2010)			Received.
B.03d	"Looking at B: TMT would relocate if permit not secured soon," West Hawaii Today, February 12, 2016			Received.
B.03e	Operating and Development Agreement for 8-millimeter telescope (Subaru telescope sublease).		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03f	Agreement for Construction and Operation of a 3.8 millimeter telescope (UKIRT sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03g	Renegotiated Site Development and Operating Agreement concerning the W.M. Keck Observatory (Keck sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03h	Operating and Site Development Agreement for the Very Long Base Array (VLBA sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03i	Operating and Site Development Agreement for the Smithsonian Array (SAO sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.

B.03j	Operating and Site Development Agreement for the Gemini 8-meter Telescope (Gemini Sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03k	Operating and Site Development Agreement for the Caltech Submillimeter Telescope Facility (Caltech Sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03l	Operating and Site Development Agreement for the Canada-France-UH telescope (CFH sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03m	Operating and Site Development Agreement for the 15 Meter United Kingdom-Canada-Netherlands Telescope (UK-Canada sublease)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03o	Image, TMT viewplane simulation with red balloon, view from the side			Received.
B.03p	Image, TMT viewplane simulation with red balloon, view from the ground			Received.
B.03q	Image, sunrise on the pu'u obstructed by shadow from an existing telescope			Received.
B.03r	Image, TMT viewplane from proposed TMT location towards Maui			Received.
B.03s	Image, existing telescopes on the summit from access road			Received.
B.03t	Atwater, Gail. Conservation District Review: Preliminary Discussion Draft, November 1993		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03u	Kaena Point Conceptual Plan, 1978 (excerpts provided, complete document available upon request)		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03v	Testimony from the Mauna Kea hui in opposition to TMT (October 24, 2008)			Received.
B.03w	Public Testimony, proposed Comprehensive Management Plan for Mauna Kea (May 13, 2008)			Received.
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.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.

B.03y	Minutes of the Board of Land and Natural Resources, Comprehensive Management Plan considered (March 2010)			Received.
B.03z	OCCL Staff Submittal, Comprehensive Management Plan (March 2010)			Received.
B.03aa	Minutes of the Board of Land and Natural Resources, Comprehensive Management Plan approved (April 8-9, 2009)			Received.
B.03ab	Maly, Kepa. Oral history and consultation, and archival literature study, Mauna Kea Science Reserve and Hale Pohaku Complex Development (1999)			Received.
B.03ac	Image, trash collected at Batch Plant 1			Received.
B.03ad	Image, trash collected at Batch Plant 2			Received.
B.03ae	Image, trash collected at Batch Plant 3			Received.
B.03af	Image, trash collected at Batch Plant 4			Received.
B.03ag	Image, spools of Cable at Batch Plant			Received.
B.03ah	Image, bulldozer at Batch Plant			Received.
B.03ai	Image, cinder piles at Batch Plant			Received.
B.03aj	Image, HECO "pull box" on Mauna Kea			Received.
B.03ak	BLNR Minutes, TMT CDUA approval (February 25, 2011)			Received.
B.03al	Letter from Sam Lemmo, OCCL to Richard Chamberlain, CSO, re: hydraulic spill, October 13, 2009		Immaterial; not relevant to this proceeding.	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
B.03am	Image, "Leave the Landscape" sign at Hale Pohaku on Mauna Kea			Received.
B.03an	Assessment of TMT Risks on Mauna Kea, Moore Foundation (2007)			Received.
B.03ao	"Consideration of Cumulative Impacts in EPA Review of NEPA Documents," U.S. EPA, Office of Federal Activities, EPA 315-R-99-002/May 1999.			Received.
B.13e	HAR §11-200-12 on Significance Criteria			Received.
B.13f	HAR §13-5-1 Purpose of Conservation District			Received.
B.13g	UH Mauna Kea CMP Map of Historic Sites, Find Spots, TCPs			Received.
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.	Denied in consideration of UHH objection. The law does not need to be produced as an exhibit.
B.13i	Excerpt from Maly and Maly (2005)			Received.
B.13j	Pukui and Elbert, Hawaiian Dictionary, mo'o			Received.
B.13k	LCA 3131 from Foreign Testimony 1850			Received.
B.13l	Excerpts from Keaomelemele			Received.
B.13m	Map of Ka'ohē Ahupua'a			Received.
B.13n	Mahele Book, V. Kanamalu relinquishing lands			Received.
B.13o	Excerpt from Maly and Maly (2005)			Received.
B.13p	Ku-Kahau-ula and Poliahu story by Ahuena			Received.

B.44	Preliminary Draft Report for Review - Cultural Impact Assessment for the Thirty Meter Telescope (TMT) Observatory Project and Hale Pohaku Mid-Level Support Facilities Project, Maunakea, Kaohae Ahupua'a, Hamakua District, Hawai'i Island TMK: [3] 4-4-015:001 por., 009 por., 012 por. (May 2009)		Received.
B.45	Draft Environmental Impact Statement Vol. 2, Appendix D, Initial Draft Cultural Impact Assessment Report, Summary, for the Thirty Meter Telescope (TMT) Observatory Project and Hale Pohaku Mid-Level Support Facilities Project, Maunakea, Kaohae Ahupua'a, Hamakua District, Hawai'i Island TMK: [3] 4-4-015:001 por., 009 por., 012 por. (May 23, 2009)		Received.
B.54	The Hawaii Independent Article (January 21, 2015): Cultural practitioners, environmentalists deliver Mauna Kea demands to Governor		Received.
B.55	Honolulu Star Advertiser Editorial Article (March 10, 2014): Hawaii's ecosystem harmed by building on Mauna Kea		Received.
B.56	The Economist Article (November 26, 2016): Portraits of worlds		Received.
B.03ap(ii)	Final Environmental Impact Statement, Outrigger Telescopes proposed for Mauna Kea, National Aeronautics and Space Administration, v2 (2005)		Received.
B.03ap (1) errata	FEIS, Outrigger Telescopes, v1		Received.
B.04b	Maile Taualii CV		Received.
B.04c	Indigenous health pt. 1 study: M. Gracey & M. King (2009)		Received.
B.04d	Indigenous health pt. 2 study: M. King, A. Smith, M. Gracey (2009)		Received.
B.07b	Jon Osorio, Ph.D. CV		Received.
B.08b	Kehaunani Abad, Ph.D. CV		Received.
B.08c	Article: Dunnell & Dancy "Siteless Survey"		Received.
B.08d	Article: Elbert, Distribution Archaeology		Received.
B.08e	Hester et al, Field Methods excerpts		Received.
B.08f	Maly Report on Mauna Kea excerpts		Received.
B.08g	Ka Hoku I ka Pakipika		Received.
B.08h	Nupepa Kuokoa article		Received.
B.08i	Article Morris et al, Views from Inside and Outside		Received.
B.08j	National Register Bulletin		Received.
B.08k	Keck Outrigger EIS excerpts		Received.
B.09b	Davin James Vicente, M.S. CV		Received.
B.10b	Eric Hansen, M.S. CV		Received.
B.64	OMKM - Botanical Baseline Survey (2011) of the University of Hawaii's Managed Lands on Mauna Kea (August 26, 2013)		Received.
B.11b	Kuulei Kanahele, M.A. CV		Received.



B.13b	Candace Fujikane, Ph.D. CV			Received.
B.13c	CMP Map of Mauna Kea Summit Region Historic Region			Received.
B.13d	Excerpt from FEIS for Outrigger Telescopes			Received.
B.58	TMT International Observatory LLC - GuideStar Profile - 2015			Received.
B.59	Form 990 TMT International Observatory LLC - tax years ending December 31, 2014			Received.
B.37a	MKSR Master Plan (2000)		Duplicative of Ex. A-48	Denied in consideration of UHH objection.
B.37b	MKSR Master Plan Appendix (2000)		Duplicative of Ex. A-48	Denied in consideration of UHH objection.
B.38	Mauna Kea CMP (2009)		Duplicative of Ex. A-9 and B.28	Denied in consideration of UHH objection.
B.39	CRMP - CMP Sub-Plan		Duplicative of Ex. A-11	Denied in consideration of UHH objection.
B.40	NRMP - CMP Sub Plan (2009)		Duplicative of Ex. A-10	Denied in consideration of UHH objection.
B.41	Public Access Plan - CMP Sub-Plan		Duplicative of Ex. A-12	Denied in consideration of UHH objection.
B.42	Decommissioning Plan - CMP Sub-Plan (2010)		Duplicative of Ex. A-13	Denied in consideration of UHH objection.
B.43	CMP Implementation Plan (2010)			Received.
B.57	Testimony of Brian Kawaka Cruz			Received.
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 testified on January 10. KAHEA did not identify or produce Exhibit B.80 until March 2, 2017. TIO did not have the opportunity to cross-examine Ms. Townsend on Exhibit B.80. Impermissible rebuttal testimony.	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.	Denied in consideration of TIO and UHH objections.

WARD EXHIBITS		DOC. NOS. 483, 507	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
Exh.	Description				
B.15a	Testimony of Laulani Teale				Received.
B.52a	Testimony of Narissa Spies				Received.
B.17a	Testimony of Deborah J Ward				Received.
B.15b	Laulani Teale CV				Received.
B.52b	Narissa Spies CV				Received.
B.52c	Spies SACNAS article				Received.
B.52d	Spies Civil Beat article				Received.
B.17b	Deborah J Ward CV				Received.
B.17d	Mauna Kea Anaina Hou, et al vs. Board of Land and Natural Resources, et al., Civil No. 04-1-397 (Hilo)*			The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit; court opinions do not need to be admitted into evidence as exhibits.	Denied in consideration of UHH objection.
	*Exhibit 8.17d is misnamed in Doc. 483 as: "The Office of Hawaiian Affairs V. Sean Okeefe et al, Us District Court Civ. No. 02-00227". Exhibit 8.17d is correctly described above.				XXX
B.17e	1998 Legislative Auditor's Report				Received.
B.17f	General Lease No. S-4191				Received.
B.17g	The Mauna Kea Management Plan (May 1977)				Received.
B.17h	Revised Management Plan for the UH Management Areas on Mauna Kea (1995)				Received.
B.17i	Letter, Sen. D. Inouye to d. McClain, 13 May 2008				Received.
B.17j	Follow-up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 05-13 (2014)				Received.
B.17l	Follow-up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 14-07 (2005)				Received.
B.17m	Memorandum, L. Landgraf to T. Tagawa, 21 Feb. 1974				Received.
B.17n	The Elepaio, Sept 1974				Received.
B.17o	1989 amendment to MKSRCDP				Received.
B.17p	Image wekiu habitat destruction				Received.
B.17q	Ltr stone to DLNR staff 11.5.96 re wekiu habitat destruction				Received.
B.17r	Stone 26.5.96 investigation of destruction of wekiu bug habitat				Received.
B.17s	Ltr from Stone to Wilson 29.5.96 DLNR				Received.
B.17t	Ltr to Stone from Wilson resp 25.9.96 re wekiu habitat destruction 1996				Received.
B.17u	Report to 2006 Legislature, Kudritski				Received.
B.17v	Hawaii County Water Use Development Plan West Mauna Kea Aquifer Sector				Received.
B.17w	USGS Ground Water in Hawaii				Received.
B.17x	Analysis of hydrologic structures within Mauna Kea volcano using diamond wireline core drilling				Received.
B.17y	Hawaii volcanic rock aquifer study				Received.

B.17z	Ground Water Atlas of the United States, Alaska, Hawaii, Puerto Rico and the U. S. Virgin Islands			Received.
B.17aa	Mauna Kea aquifers shallower than expected - West Hawaii Today article by Erin Miller			Received.
B.17ab	Mauna Kea aquifers shallower than expected - West Hawaii Today article by Erin Miller			Received.
B.17.ac	Native Hawaiians for TMT ask to join case			Received.
B.17ad	Letter: New coalition opposes those who "blunt progress"			Received.
B.17ae	Assessment of the risks for siting the Thirty Meter Telescope on Mauna Kea			Received.
B.17af	Megatelescopes look for support			Received.
B.17.ag	NSF prepares for review of two giant telescopes			Received.
B.17ah	Pleading poverty, NSF delays plans for giant telescope			Received.
B.17ai	Big Telescope, Big Battles			Received.
B.17aj	Thirty Meter Telescope submits proposal for partnership with National Science Foundation			Received.
B.17.ak	GSM T annual report FY 2008			Received.
B.17al	Thirty Meter Telescope gets small grant to make big plans			Received.
B.17am	Enabling a giant segmented mirror telescope for the United States astronomical community			Received.
B.17an	Important notice of access limitations to Maunakea on October 7, 2014			Received.
B.17.ao	Correspondence from Hui to OMKM on road closure			Received.
B.17ap	Lake Waiau water volume December 2013 from OMKM orientation	Untimely. Ms. Ward did not identify Exhibit B.17ap until March 9, 2017, after the close of the testimony portion of the CCH on March 2, 2017. She also has not produced a copy of Exhibit B.17ap as of March 16, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.17aq	Lake Waiau water volume Nov 2014 from OMKM orientation	Untimely. Ms. Ward did not identify Exhibit B.17ap until March 9, 2017, after the close of the testimony portion of the CCH on March 2, 2017. She also has not produced a copy of Exhibit B.17aq as of March 16, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.17ar	Density of historic properties related to intensity of search from OMKM orientation	Untimely. Ms. Ward did not identify Exhibit B.17ap until March 9, 2017, after the close of the testimony portion of the CCH on March 2, 2017. She also has not produced a copy of Exhibit B.17ar as of March 16, 2017.	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.	Denied in consideration of TIO and UHH objections.

CHING EXHIBITS			DOC. NOS. 488, 497	
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
B.19a	Testimony of Clarence Kukaakahi Ching			Received.
B.19d	WDT Supplement of Clarence Kukaakahi Ching			Received.
B.19b	Oct. 7, 2014 Photo blockade at access road			Received.
B.19c	Letter, Kapa Maly to Group 70 International, 14 Oct 1999			Received.
B.19e	New Worlds, New Horizons in Astronomy and Astrophysics; National Research Council (2010)			Received.
B.19f	Correspondence from Hui to Douglas Chin re blocking access at Mauna Kea			Received.
B.19g	NSF should help build massive telescope in Hawaii, says senior appropriator			Received.
B.19h	Clarence Kukaakahi Ching's supplemental exhibit designation; Exhibit B.19h [E. Kalani Flores v. BLNR, et al., Civil No. 14-1-324; Order Granting in Part and Denying in Part Board of Land and Natural Resources, Department of Land and Natural Resources, and Chairman Suzanne D. Case's Motion for Stay of Proceedings, or in the Alternative for the Court to Issue its Decision on Appeal, Filed October 25, 2016; Vacating Consent to Sublease and Non-Exclusive Easement Agreement Between TMT International Observatory, LLC and the University of Hawaii Under General Lease No. S-4191; and Remanding Matter to the Board of Land and Natural Resources (filed January 6, 2017)]; COS		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.	Received over UHH objection. The offered exhibit is not a court opinion, it is a court order. The Hearing Officer will determine the application and weight of this exhibit, if any.
B.19i	Flora of Mauna Kea	Untimely. Mr. Ching did not identify or produce Exhibit B.19i until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
B.19j	IUCN Indigenous Membership Category	Untimely. Mr. Ching did not identify or produce Exhibit B.19j until March 8, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.

TMT INTERNATIONAL OBSERVATORY, LLC EXHIBITS		DOC. NO. 451, 476, 508	
Exh.	Description	Ching Objections (Doc 510)	Rulings
C-1	Testimony of Ed Stone		Received.
C-2 (including errata)	Testimony of Gary Sanders		Received.
C-6	Testimony of David M. Callies		Received.
C-8	Testimony of Dr. Heather Kaluna		Received.
C-9	Testimony of Naea Stevens		Received.
C-11	Testimony of Robert B. Rechtman		Received.
C-17	Testimony of Paul Coleman		Received.
C-3	Graphic showing Mitigation Measures Reduce Size and Visibility of TMT		Received.
C-12	Thirty Meter Telescope Archaeological Report, prepared by Genevieve Glennon and Robert Rechtman (October 2013)		Received.
C-13	Letter to Robert Rechtman from DLNR Historic Preservation Division, approving TMT Archaeological Report (December 16, 2013)		Received.
C-14	Thirty Meter Telescope Monitoring Report re: Groundbreaking prepared by Samuel Plunket and Robert Rechtman (September 2014)		Received.
C-15	Field Reconnaissance of TMT Development Site		Received.
C-16	Updated Field Reconnaissance of TMT Development Site		Received.
C-18	Aerial Graphic showing distances from cultural practice areas to proposed TMT Observatory		Received.
C-19	Aerial Graphic showing that TMT does not block/impinge on view of Haleakala from Poli'ahu		Received.
C-23	Graphic of Size Comparison Chart of TMT with other Telescopes		Received.
C-35	Mauna Kea Summit aerial photograph		Received.
C-36	Mauna Kea Summit USGS Map		Received.

C-37	Map of Honokohau Harbor Area		Received.
C-38	8122/2014 Letter to William Aila (DLNR) from Bob Reichtman		Received.
C-39	TMT International Observatory, LLC Initial Decommissioning Funding Plan (April 2014)		Received.
C-40	Kilakila 'O Haleakala v. Board of Land and Natural Resources, et al., 138 Hawaii 383, 382 P.3d 195 (2016) (Opinion of Court by Recktenwald, C.J.).	Denied. Case law need not be produced as an exhibit.	
C-41	12122/1992 Disciplinary Board of the Hawaii Supreme Court Decision regarding suspension of Clarence F. T. Ching from the practice of law	I was NOT impeached and EXHIBITS C-41 and C-42 should not be admitted into evidence as they are NOT relevant to the substantive facts and evidence of the Contested Case Hearing.	Received over Ching objection. Hearing Officer will determine application and weight of the evidence, if any.
C-42	4114/1993 Hawaii Supreme Court Order of Suspension regarding Clarence F. T. Ching	I was NOT impeached and EXHIBITS C-41 and C-42 should not be admitted into evidence as they are NOT relevant to the substantive facts and evidence of the Contested Case Hearing.	Received over Ching objection. Hearing Officer will determine application and weight of the evidence, if any.
C-43	FEIS Response to MKAH Comments		Received.
C-44	TMT EIS, Figure 3-3: Historic Sites		Received.
C-45	Pua Case Facebook page, November 9 at 8:44 a.m., Duplicate of Pua Case Facebook page of November 9 at 8:44 a.m., dated November 9, 2016		Received.
C-45a	Article by Gregory Johnson: Authenticity, Invention, Articulation: Theorizing Contemporary Hawaiian Traditions from the Outside		Received.
C-46	Article by Gregory Johnson: The Newark Earthworks - Caring for Depressed Cultural Sites, Hawaiian Style		Received.
C-47	Brannon Kealoha Facebook Post re Mailani Neal		Received.
C-48	Article by Noelani Goodyear-Kaopua and Mary Tuti Baker - The Great Shift: Moving Beyond a fossil Fuel-Based Economy		Received.
C-49	Article by Davianna McGregor - Na Kuaaina, Living Hawaiian Culture		Received.
C-52	Mililani Trask's Presentation on Community Benefits Package in Development		Received.
C-54			Received.

FERGERSTROM EXHIBITS		DOC. NO. 494	UHH objections (Doc 514)			Rulings
Exh.	Description	TIO objections (Doc 511)				
D-1	Testimony of Michael Lee	No objections as to admissibility.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence.			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
D-2	Testimony of Williamson B.C. Chang	Irrelevant and immaterial based on Minute Order No. 19. The Hearings Officer precluded Mr. Chang from testifying at the CCH because his testimony was irrelevant and immaterial as detailed in Minute Order No. 19.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence. Further, 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.			Not offered, not received. D-2 was not offered into evidence by Mr. Fergerstrom. To wit, Doc. 494 says: "Now comes Harry Fergerstrom with a motion to move all documents in evidentiary hearing submittals, identified by letter "D" into evidence, with the exception of the Written Direct Testimony of Williamson Chang."
D-3	Burial Registration Form	No objections as to admissibility.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence. Further, the exhibit is immaterial and irrelevant to this proceeding.			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
D-4	Scan	No objections as to admissibility.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence. Further, the exhibit is immaterial and irrelevant to this proceeding.			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
D-5	Notice of trespass	No objections as to admissibility.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence. Further, the exhibit is immaterial and irrelevant to this proceeding.			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
D-6	Scan 2	No objections as to admissibility.	The University objects to all of Mr. Fergerstrom's exhibits because he failed to identify with specificity the exhibits he seeks to move into evidence. Further, the exhibit is immaterial and irrelevant to this proceeding.			Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.



KIHOI EXHIBITS		DOC. NO. 502		TIO objections (Doc 511)		UHH objections (Doc 514)		Rulings	
Exh.	Description								
F-1	Mehana Kihoi WDT					Objects to the extent this document contains the party's legal arguments, which are not evidence		Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.	
F-2	Sarah Puaola Kihoi WDT							Received.	
F-3	Leina'ala Sleightholm WDT							Received.	
F-4	Ruth Aloua WDT							Received.	
F-5	Hawane Rios WDT (revised)							Received.	
F-6	Jessie Kaleinohea Cleghorn WDT			Ms. Cleghorn did not testify during the CCH. TIO did not have the opportunity to cross-examine Ms. 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 WEDT should be stricken from the record		Denied in consideration of TIO and UHH objections.	
F-7	Joseph Keaweaimoku Kaholokula, PhD CV							Received.	
F-7b	Statement of Joseph Keaweaimoku Kaholokula							Received.	
F-7c	Summary of Joseph Keaweaimoku Kaholokula			Ms. Kakalia and Ms. Kihoi attempted to introduce Exhibit F-7c minutes before Dr. Kaholokula's testimony on February 23, 2017. The Hearings Officer rejected the introduction of Exhibit F-7c because it was untimely as the other parties had not received it in a reasonable time prior to Dr. Kaholokula's testimony. TIO did not have the opportunity to cross-examine Dr. Kaholokula on Exhibit F-7c.		Untimely. Ms. Kihoi 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.		Denied in consideration of TIO and UHH objections.	
F-9	United States Public Law 103-150, 103d Congress Joint Resolution 19 - "The Apology"			Irrelevant and immaterial based on Minute Order No. 19		Immaterial and irrelevant to this proceeding		Denied in consideration of TIO and UHH objections.	
F-11	Image from April 2, 2015 - documenting trauma of Native Hawaiian women (petitioners Kihoi, Sleightholm) at the TMT Proposed Site.							Received.	
F-12	Image from April 2, 2015 - documenting the trauma of an unlawful arrest against a Native Hawaiian woman in prayer as the TMT vehicles ascend to the summit of Mauna Kea							Received.	
F-13	Image from June 24, 2015 - documenting severe emotional and psychological trauma felt by Kupuna, as the TMT vehicles ascend to the summit of Mauna Kea							Received.	
F-17	Aina: Ke Ola Na Kanaka 'O'iwi. Land: The Health of Native Hawaiians							Received.	
F-24	Image from February 12, 2013 - outside of the 1st BLNR Contested Case Hearing in Hilo, and written statement of Tahila Kala'ula (daughter of Mehana Kihoi)					This exhibit constitutes direct testimony from Ms. Tahila 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		Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.	



F-25	Image from April 2, 2015 - in the area of the proposed TMT site on the summit of Mauna Kea, and written statement of Tahlia Kala'ula (daughter of Mehana Kihoi)		This exhibit constitutes direct testimony from Ms. Tahlia Kala'ula which the University did not have the opportunity to cross-examine her on. Ms. Kala'ula was not presented as a witness and did not testify	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
F-26	Image from June 24, 2015 - on the Mauna Kea access gravel road above the Hale Pohaku area, and written statement of Tahlia Kala'ula (daughter of Mehana Kihoi)		This exhibit constitutes direct testimony from Ms. Tahlia Kala'ula which the University did not have the opportunity to cross-examine her on. Ms. Kala'ula was not presented as a witness and did not testify	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
F-27	Image from January 24, 2017 - outside of the TMT Contested Case Hearing at the Naniloa Crown Room, and written statement of Tahlia Kala'ula (daughter of Mehana Kihoi)		This exhibit constitutes direct testimony from Ms. Tahlia Kala'ula which the University did not have the opportunity to cross-examine her on. Ms. Kala'ula was not presented as a witness and did not testify	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
F-28	Image from March 24, 2015 - in the Hale Pohaku area of Mauna Kea, and written statement of Tahlia Kala'ula (daughter of Mehana Kihoi)		This exhibit constitutes direct testimony from Ms. Tahlia Kala'ula which the University did not have the opportunity to cross-examine her on. Ms. Kala'ula was not presented as a witness and did not testify	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
F-29	Image from April 2, 2015 - on the Mauna Kea access gravel road above the Hale Pohaku area, prayer circle with DLNR Officers before arrests			Received.

CAMARA EXHIBITS			DOC. NO. 495	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
Exh.	Description					
WDTrev	Joseph Kualii Lindsey Camara WDT (revised and submitted 3/7/17)		Mr. Camara did not produce his amended written direct testimony until March 7, 2017, after the close of the testimony portion of the CCH on March 2, 2017 and after he testified on March 1, 2017. TIO did not have the opportunity to cross-examine Mr. Camara on his amended written direct testimony.		Untimely. Mr. Camara did not produce his amended written direct testimony until after he completed his testimony on March 1, 2017 and after the close of evidentiary hearings on March 2, 2017. The University did not have an opportunity to cross-examine Mr. Camara and this revised WDT.	Denied in consideration of TIO and UHH objections. Instead, the WDT of Joseph Kualii Lindsey Camara, Testimony against TMT development filed 10/10/2016 is RECEIVED in evidence.
WDT2	Milliani B. Trask WDT					Received.
PHS	Joseph Kualii Lindsey Camara Opening Statement				Objects to the extent this document contains the party's legal arguments, which are not evidence.	Denied in consideration of UHH objection. Pre-hearing statements are not evidence.
H-1	Testimony and Pictures of Mauna Kea Rangers Documenting Desecration					Received.
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.	Received over UHH objection. Hearing Officer will determine application and weight of evidence, if any.
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.	Received over UHH objection. Hearing Officer will determine application and weight of evidence, if any.
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; immaterial and irrelevant to this proceeding; international law not applicable to this proceeding.	Received over UHH objection. Hearing Officer will determine application and weight of evidence, if any.
H-5	Mauna Kea Aquifer Study					Received.
H-6	Kahea CDUA Testimony of Behalf of Its Members					Received.
H-7	Apapalani Map					Received.
H-8	Linda Lindsey Kaapuni Mookuauihau		Exhibit H-8 is essentially direct testimony from Mr. Camara's mother Leilani Lindsey-Ka'apuni. Ms. Lindsey-Ka'apuni did not testify at the CCH. TIO did not have the opportunity to cross-examine Ms. Lindsey Ka'apuni.		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.	Denied in consideration of TIO and UHH objections.
H-9	Credentials and Supporting Documents of Luana Busby Neff		Ms. Neff did not testify at the CCH. TIO did not have the opportunity to cross-examine Ms. Neff.		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.	Denied in consideration of TIO and UHH objections.

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	Denied in consideration of UHH objection. The law does not need to be presented as an exhibit.
H-11	2009 Comprehensive Management Plan (cross referenced with UHH Exhibit A 009)		Duplicative of A-9	Denied in consideration of UHH objection.
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; immaterial and irrelevant to this proceeding; international law not applicable to this proceeding.	Denied in consideration of UHH objection. The law does not need to be presented as an exhibit. Hearing Officer will determine application and weight, if any.
H-13	May 18, 2016 correspondence between Trask, Trask, Kuaili and Ruddie & Kahu Ku Manu [sic]			Received.

PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES EXHIBITS		DOC. NO. 485
Exh.	Description	Rulings
WDT	Shadd Keahi Warfield	Received
WDT	Richard Ha	Received
WDT	Elroy Osorio	Received
WDT	William "Bill" Brown	Received
I-1	Big Island Now poll revealing Native Hawaiians are split on their support of TMT project.	Received

SLEIGHTHOLM EXHIBITS		DOC. NO. 504		DOC. NO. 514		DOC. NO. 514	
Exh.	Description	TIO objections (Doc 511)		UHH objections (Doc 514)		Rulings	
J-1	A thousand little cuts to genocide	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.		Immaterial and irrelevant to the issues to be decided in this proceeding.		Received over TIO and UHH objections. Hearing Officer will determine the application and weight of the evidence, if any.	
J-2	HAR Sect 13-5-30	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.		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.		Denied in consideration of UHH objection. The administrative rules do not need to be presented as exhibits.	
J-3	Noelani Goodyear-Kaopua, PhD vitae	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-4	Kanaka Maoli Scholars Against Desecration	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-5	A Maunakea o Kalani	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-6	Noelani Goodyear-Ka'opua written direct testimony	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-7	Nelson Ho written direct testimony	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-8	Amended contested case hearing testimony of Nelson Ho	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.				Received over TIO objection. Hearing Officer will determine the application and weight of the evidence, if any.	
J-9	Protectors of the future, not protestors of the past: Indigenous Pacific activism and Mauna a Wakea	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.		Immaterial and irrelevant to the issues to be decided in this proceeding.		Received over TIO and UHH objections. Hearing Officer will determine the application and weight of the evidence, if any.	

PHS	Pre-hearing Statement	General objection based on party seeking broadly to admit all exhibits and failing to identify the exhibits individually as instructed.	Objects to the extent this document contains the party's legal arguments, which are not evidence.	Received over TIO and UHH objections. Pre-hearing statements are not evidence, generally. However, this party does not have a WDT and the PHS appears to incorporate her direct testimony.. Hearing Officer will determine the application and weight of the evidence, if any.
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TEMPLE OF LONO EXHIBITS		DOC. NO. 491		Rulings
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)	
PHS*	Opening Statement from the Temple of Lono	TOL's Pre-hearing statement is argument, not evidence.	Objects to the extent this document contains the party's legal arguments and attorney argument, which are not evidence.	Denied in consideration of TIO and UHH objections. Pre-hearing Statements are not evidence.
	<i>*Document Library identification differs from document description</i>			
	Prefiled Testimony of Frank Tamehameha Kamealoha Anuumealani Nobriga, Kahuna Of The Temple Of Lono			Received.
L-1	Rubellite Kawena Johnson Declaration	Ms. Johnson did not testify at the CCH. TIO did not have the opportunity to cross-examine Ms. Johnson on her 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.	Denied in consideration of TIO and UHH objections.
L-2	Peter Apo Article in Civil Beat		Article on Kaho'olawe. Immaterial and irrelevant to this proceeding.	Received.
L-3	Kahuna Nobriga Article in Civil Beat			Denied in consideration of UHH objection.
L-4	Applicant's Opp to Temple of Lono Partial SJ Motion		Legal argument and attorney argument are not evidence; not presented as evidence during hearing.	Denied in consideration of UHH objection.
L-5	Temple of Lono Motion to File Motion out of Time		Legal argument and attorney argument are not evidence; not presented as evidence during hearing.	Denied in consideration of UHH objection.
L-6	Temple of Lono Identification of issues		Legal argument and attorney argument are not evidence; not presented as evidence during hearing.	Denied in consideration of UHH objection.
L-7	Minute Order 19		The Hearing Officer's orders govern these proceedings and do not need to be admitted into evidence.	Denied in consideration of UHH objection.
L-8	Temple of Lono first motion to recuse		Legal argument and attorney argument are not evidence; not presented as evidence during hearing.	Denied in consideration of UHH objection.
L-9	Temple of Lono motion to schedule unscheduled motions		Legal argument and attorney argument are not evidence; not presented as evidence during hearing.	Denied in consideration of UHH objection.
L-10	Imperial Plan for Hawaii: A fictional perspective	Irrelevant and immaterial. Exhibit L10 is authored by Mr. Lanny Sinkin. Though he represented Tol at the CCH, Mr. Sinkin did not testify. TIO did not have the opportunity to crossexamine Mr. Sinkin on Exhibit L10 or otherwise.	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.	Denied in consideration of TIO and UHH objections.
L-11	Message from the Temple of Lono and Hale O Papa			Received

L-12	Ke Ao Loko o Lono (The innermost knowledge of Lono)	Exhibit L12 is essentially direct testimony from Samuel Lono. TIO did not have the opportunity to cross-examine Mr. Lono. This is also not a dying declaration. Exhibit L12 is also cumulative of the testimony of Frank Nobriga.	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.	Denied in consideration of TIO and UHH objections.
L-13	Temple of Lono statement to the 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.	Denied in consideration of UHH objection.
L-14	<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.	Denied in consideration of UHH objection.
L-15	Office of Mauna Kea Management Plan [excerpt]		Duplicative of Ex. A-48	Denied in consideration of UHH objection.
L-16	Agenda - OMKM Board Meeting - 10/4/2016			Received.
L-17	Item CR-5 on OMKM Board Meeting Agenda			Received.
L-18	Item CR-7 on OMKM Board Meeting Agenda			Received.
L-19	Item CR-8 on OMKM Board Meeting Agenda			Received.
L-20	Item CR-9 on OMKM Board Meeting Agenda			Received.
L-21	Poster on Closed Bathroom facilities			Received.
L-22	Kahu Ku Mauna Council Guidelines			Received.
L-23	Keystone Center Risk Assessment			Received.
L-24	Hawai'i Tourism Authority - Visitor Expenditures		Immaterial and irrelevant to this proceeding.	Received over UHH objection. Hearing Officer will determine application and weight of evidence, if any.
L-25	UH Report on Economic Contributions of Astronomy			Received.



KANAELE EXHIBITS			DOC. NOS. 489, 499	
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
	Pre-Hearing Statement As WDT	No specific objections	Objects to the extent this document contains the party's legal arguments, which are not evidence	Denied in consideration of UHH objection. Instead, the WDT of Kalikolehua Kanaele filed 2/26/2017 is RECEIVED in evidence.
	Carroll WDT	No specific objections		Received.
	Carroll WDT Amended	No specific objections		Received.
M-A	Science, culture clash over sacred mountain	No specific objections		Received.
M-I-2	StarWars Telescope & Lawyers Caught In Theft Schemes: Third Circuit Court Officers Stanley Roehrig	No specific objections	Immaterial and irrelevant to the issues in this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
M-I-5	Emails offer insight into state's response to protests	No specific objections		Received.
M-4	"Division 1. Government..."	No specific objections	The University objects to this exhibit as superfluous; the law does not need to be admitted into evidence as an exhibit	Denied in consideration of UHH objection. The law does not need to be presented as an exhibit.
M-E	Challenging the member polling process on Rail by Stuart Scott	No specific objections	Immaterial and irrelevant to the issues in this proceeding	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
M-4	TMT attorney had inside track on legal issues	No specific objections	Immaterial and irrelevant to the issues in this hearing	Received over UHH objection. Hearing Officer will determine the application and weight of the evidence, if any.
M7	Treaty and draft proposal, Hawaiian Kingdom 1835 Waitangi Treaty	No specific objections	Incomplete exhibit, immaterial and irrelevant to the issues in this proceeding	Denied in consideration of UHH objection.

KAKALIA EXHIBITS		DOC. NO. 503	TIO objections (Doc 511)	UHH objections (Doc 514)	Rulings
Exh.	Description				
PHS	Pre-Hearing Statement As WDT			Objects to the extent this document contains the party's legal arguments, which are not evidence.	Received over UHH objection. Pre-hearing statements are not evidence, generally. However, this party does not have a WDT and the PHS appears to incorporate her direct testimony. Hearing Officer will determine the application and weight of the evidence, if any.
O-1	2009 CMP Cultural Anchor				Received.
O-2	2009 CMP Executive Summary				Received.
O-3	2009 CMP P.2-4, Table 2-1, 7.1				Received.
O-4	2009 CMP P. 7-7, Table 7-1, CR1				Received.
O-5	4/10/15 KKM Press Release				Received.
O-6	2009 CMP P. 7-7, Table 7-1, CR2				Received.
O-7	The Hawai'i Commitment				Received.
O-8	Motion 26 ICUN World Conservation Congress			Immaterial and irrelevant to the issues in this proceeding	Denied in consideration of UHH objection.
O-9	UH Strategic Directions, 2015-2021				Received.
O-10	Hawai'i Papa o Ke Ao				Received.
O-11	Kaholokula CV				Received.
O-12	Statement of Kaholokula et al				Received.
O-13	VITA Oct2016 Tammie Noelani Perreira				Received.
O-14	Tammie Noelani Perreira written direct testimony				Received.
O-15	Kahi Tajon written direct testimony				Received.
O-16	Correspondence from OHA to OMIKM re: Bulldozer demolition of ahu by Mauna Kea Service staff		Exhibit O-17 is an article purportedly authored by Dr. Kaholokula, one of Ms. Kakalia's witnesses. Exhibit O-17 was not identified or produced until March 9, 2017", after the close of the testimony portion of the CCH on March 2, 2017. Dr. Kaholokula testified on February 23, 2017. TIO did not have the opportunity to cross-examine Dr. Kaholokula on Exhibit O-17.	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.	Received.
O-17	Mauli Ola: Pathways to Optimal Kanaka 'O'iwi				Denied in consideration of TIO and UHH objections.

VICENTE EXHIBITS			DOC. NO. 498		Rulings
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)		
Q-1	Ordinance of 1987 The Northwest Territorial Government	Immaterial and irrelevant based on Minute Order No 19.	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.	Denied in consideration of TIO and UHH objections.	
Q-2	Pre-constitutional National Documents Northwest Ordinance	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is immaterial, irrelevant, and beyond the scope of the issues in this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-3	US Constitution Article IV Sec 3 Clause 2	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.	
Q-4	The Old Northwest in the American Revolution	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-5	September 19, 1820 Appointment of Mr. Jone C. Jones	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-6	Treaty of Reciprocity 1875	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-7	Treaty of Annexation 1898	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-8	Liliuokalani v. US	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.	
Q-9	Constitutional Convention of Hawaii 1950	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-10	Sec 171-2 Definition of Public Lands	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.	
Q-11	Rose Tseng, Chancellor Letter date May 8, 2010		Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	
Q-12	Hawaii's Ceded Lands	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.	

Q-13	Hawaii Constitution Article XI Sec 1	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.
Q-14	Homestead Act of 1884	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.
Q-15	Lottery Law	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this 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.	Denied in consideration of TIO and UHH objections.
Q-16	Blount's Report May 31, 1893	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.
Q-17	Proclamation	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.
Q-18	The Hawaiian Republic (1894-98)	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.
Q-19	Emperor plays defense on Japan's Constitution	Immaterial and irrelevant based on Minute Order No 19.	Per Minute Order No. 19, this exhibit is irrelevant, immaterial, and beyond the scope of this proceeding.	Denied in consideration of TIO and UHH objections.
Q-20	Sai v. Clinton	Immaterial and irrelevant based on Minute Order No 19.	This exhibit is superfluous as court opinions do not need to be admitted into evidence as exhibits.	Denied in consideration of TIO and UHH objections.

C. FREITAS EXHIBITS			DOC. NOS. 481, 492		UHH objections (Doc 514)	Rulings
Exh.	Description	TIO objections (Doc 511)				
S-2a	Cindy Freitas Amended Testimony				Received.	
S-14A	Nanci Munroe Amended Testimony				Received.	
S-17a	Susan Roiser Amended Testimony				Received.	
S-3	Report of Spills Of Hazardous materials				Received.	
S-4	Image: From Kona Coastal Line				Received.	
S-5	CDUP Section 7 Visual Impact Page 7-8				Received.	
S-6	Image: Proposed support Building Site				Received.	
S-7	Image: Concrete in the ground with a PVC pipe: August 13, 2016				Received.	
S-8	Image: Concrete in the ground with a PVC pipe: August 13, 2016				Received.	
S-10	Image: Oil Spill by Machines: 2015				Received.	
S-11	Image: Oil Spill by Machines: 2015				Received.	
S-12	Image: Oil Spill by Machines: 2015				Received.	
S-14b	Formal Complaint to DLNR				Received.	
S-14e	Image of Oil spill				Received.	
S-14f	Image of Oil spill				Received.	
S-14g	Image of Oil spill				Received.	
S-15	Letter of Complaint to DLNR on June 23, 2015				Received.	
S-16	Letter of Complaint to KHON 2. Com on June 22, 2015				Received.	
S-18	Image				Received.	
S-18a	Hydraulics 201				Received.	
S-18b	An Inventory of Basic Water Resources (DLNR)				Received.	
S-18b 1	Geology and Ground-Water Resources of the Island of Hawaii	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	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,	Denied. Exhibit cannot be found in Documents Library.		
S-18b 2	The Geology and Petrology of Mauna Kea Volcano, Hawaii	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be	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,	Denied. Exhibit cannot be found in Documents Library.		
S-18b 3	Image of 1975 map			Received.		
S-18b 4	University of Hawai'i New "Large fresh water supply discovered by UH researcher on Hawai'i Island			Received.		
S-18c	Caterpillar D91 Bulldozer			Received.		
S-18d	OCCL Letter October 13, 2009			Received.		

S-18e	Hellman & Associates Safety Meeting Topic				Received.
S-18f	Blasting Technology, Inc. "Notice of Blasting"			Immaterial; irrelevant to this proceeding.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-18g	CDUA/TMT Management Plan Appendix D page D-8				Received.
S-18h	Hooked on Hydraulics				Received.
S-18l	USGS Ground Water in Hawaii	Untimely. Mrs. Freitas did not identify or produce Exhibit S-18L1 until March 4, 2017, after the close of the testimony portion of the CCH on March 2, 2017.		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.	Denied. Exhibit cannot be found in Documents Library.
S-18m	Hydraulics Key				Received.
S-18n	Image				Received.
S-18n	Image				Received.
S-18o	Oil Drum left at Groundbreaking Site	No objection to the photograph itself. However, TIO objects to the comment inserted in Exhibit S-18o as it lacks foundation and calls for speculation.		The University objects to the extent the annotation on the document is improper speculation and lacks foundation.	Received over TIO and UHH objections. Hearing Officer will determine application and weight of the evidence, if any.
S-18p	Paving Equipment Image				Received.
S-19	Doc 391 Motion To Dismiss Contested Case Hearing Re Conservation Use Application HA-3568			Legal argument is not evidence.	Denied in consideration of UHH objection.
S-20	DOC: 256 PUEO Proposed Minute Order Granting PUEO Motion to Set Issues			Legal argument is not evidence.	Denied in consideration of UHH objection.
S-21	DOC: 297 Respond to Proposed DOC 256 All Issues Should Also Be considered			Legal argument is not evidence.	Denied in consideration of UHH objection.
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.	Denied in consideration of UHH objection.
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.	Denied in consideration of UHH objection.
S-24	DOC: 278 Motion to Amend 274 Site Visit to Include Request In Doc 220			Legal argument is not evidence.	Denied in consideration of UHH objection.
S-25	DOC: 290 Objection to September 26, 2016 Site Visit on Mauna Kea			Legal argument is not evidence.	Denied in consideration of UHH objection.
S-26	Via Email September 30, 2016 Letter to OMKM				Received.
S-27	Manitowoc Product Guide			Immaterial and irrelevant to the issues in this proceeding.	Denied in consideration of UHH objection.
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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.

S-27b	Tower Cranes Warrant a Closer Look	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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
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 video because web content may be altered, removed, or otherwise modified at any time prior to, during, or after the hearing.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-27d	Tower Cranes Warrant a Closer Look	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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-27e	Recent Activities	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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-27f	Crane Accident Investigation and Accident Reconstruction	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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-28	Mauna Kea Shows Signs of Ancient Glacial Scouring 1916		Received.
S-28a	New Professor for College of Hawaii 1909		Received.
S-28b	European Travelers Account of a Trip over Hawaii 1870		Received.
S-28c	Crest Lake is Shallow-Not bottomless 1913	Immaterial and irrelevant to the issues in this proceeding.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
S-28d	Above the Clouds 1899		Received.

S-28d 1	Janet M. Dellaria of Trout Creek, Michigan Experience on Mauna Kea	Exhibit S-28d1 is essentially direct testimony from Ms. Dellaria. TIO did not have the opportunity to cross-examine Ms. Dellaria.	Exhibit amounts to direct testimony of Ms. Janet Dellaria, who was not presented as witness and did not testify at the hearing. The University did not have an opportunity to cross-examine her or any witnesses on this exhibit.	Denied in consideration of TIO and UHH objection.
S-28d 2	Image: Janet M. Dellaria on Mauna Kea background Haleakala			Received.
S-28e	CMP-Fact Sheet	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.		Denied in consideration of TIO objection.
S-28f	The Ascent of Mauna Kea, Hawaii 1892 News Article			Received.
S-29	Site Visit Proposal	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Duplicative of Ex. S-22; per Minute Order No. 19, exhibit is irrelevant and immaterial to this proceeding; legal argument is not evidence.	Denied in consideration of TIO and UHH objection.
S-29a	Motion to Amend Doc 174 Site to include request in Doc 220	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Legal argument is not evidence.	Denied in consideration of TIO and UHH objection.
S-29b	Objection to September 26, 2016 Site Visit on Mauna Kea	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Duplicative of Ex. S-25; legal argument is not evidence.	Denied in consideration of TIO and UHH objection.
S-30	HRS 13-5-30 c	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	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.	Denied in consideration of TIO and UHH objection.
S-30a	HRS 711-1107 Desecration	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	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.	Denied in consideration of TIO and UHH objection.
S-31	CMP page 7-56	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Duplicative of Ex. A-9	Denied in consideration of TIO and UHH objection.
S-31a	CMP page 2-3	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Duplicative of Ex. A-9	Denied in consideration of TIO and UHH objection.
S-31b	Appendix B. TMT Management Plan	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.	Duplicative of Ex. A-1/R-1	Denied in consideration of TIO and UHH objection.
S-31c	Master Plan Design Guidelines page (11)X1-4	Cannot find exhibit in Documents Library and therefore unable to confirm if exhibit is what it is described to be.		Denied in consideration of TIO and UHH objection.
S-31d	2000 Master Plan page XI-14 (Amendment Procedures)			Received.
S-31e	CDUA page 1-8 (TMT Observatory Design			Received.
S-31f	CDUA page 7-8 (Table 7.5)			Received.
S-31g	CDUA page 1-11 (TMT Access Way)			Received.
S-31h	Indices of Awards 1992			Received.



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.	Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
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W. FREITAS EXHIBITS		DOC. NOS. 480, 493, 501	
Exh.	Description	TIO objections (Doc 511)	UHH objections (Doc 514)
T-1	Gregory Johnson Testimony		Received.
T-2	Ronald Susumu Fujiochi Testimony		Received.
T-3.0	William Freitas Amended Testimony		Received.
T-1.a	Image: Sally, Greg and William		Received.
T-1.b	Image: Picture of Ku Kia'i Mauna in Distress		Received.
T-1.c	UNDRIP		Denied in consideration of UHH objection.
T-1.d	Video: Kapu Aloha 101		Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
T-1.e	Video: June 22, 2015 La 89.		Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
T-1.f	Video: June 22, 2015 Ceremonies for Ahu on Propose TMT Access Road		Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
T-1.g	Video: Emotional effects on Native Hawaiian after OMKM bulldoze Ahu o Kauakoko		Received over UHH objection. Hearing Officer will determine application and weight of the evidence, if any.
T-2.a	Duke University Press "Against the Day"		Received.
T-2.b	Religious Freedom for Native Hawaiian Prisoners		Received.
T-2.4	United States Public Law 103-150		Denied in consideration of UHH objection.
T-3.0a	Letters of acknowledgment and Validation of William Freitas in Continued traditional customary cultural practices, by Malia Kipapa, Walter Wong and Reed Flickinger		Received.
T-3.1	CMP Page 1-3		Denied in consideration of UHH objection.
T-3.2	HRS Article XII Section 7		Denied in consideration of UHH objection.

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	Denied in consideration of UHH objection.
T-3.4	FEIS page 3-8 section 3-2 Culture Resources			Received.
T-3.5	Doc.295 September 30, 2016 BLNR Disclosure of Stanley [sic] Roehrig re CDUA.			Received.
T-3.6	HAR 13-5-30C Conservation District Rules		The University objects to this exhibit as superfluous; the administrative rules speak for itself and does not need to be admitted into evidence as an exhibit.	Denied in consideration of UHH objection.
T-3.a	Image: Ahu Kukia 'i Mauna E Kahi			Received.
T-3.b	Image: Ahu Kukia 'i Mauna E Lua			Received.
T-3.c	Image: Ahu o Kauakoko on 3. and 3.5 mile marker on access road			Received.
T-3.d	Image: Return for Ceremonies Jan. 2016			Received.
T-3.e	Image: Large Group in Ceremony at Ahu o Kauakoko at 3. and 3.5 mile marker on access road			Received.
T-3.f	Image: connected to T-3.e large group in ceremony			Received.
T-3.g	Image: Return for ceremony at Ahu on access road at propose TMT site February 2016			Received.
T-3.h	Image: Return for ceremony at Ahu on access road at propose TMT site August 2016			Received.
T-3.i	Image: Ceremony at Kiholo, "Mauna A Wakea in View"			Received.
T-3.j	Image: Hale Ku Kia 'i north side across from visitor center at Hale Pohaku			Received.
T-3.j1	Image: Documentation of Ku'ula Stone at la'aloa beach park in Kona on Alii Drive			Received.
T-3.j2	Image: Ku'ula as it was before securing it on kahua			Received.
T-3.j3	Image: Ku'ula as it rest upon kahua in peaceful state, 800 lbs.			Received.
T-3.j4	Image: Hina Stone before it was placed 2000 lbs			Received.
T-3.j5	Image: Kipapa Ohana, Hapai Ku'ula to its resting place			Received.
T-3.j6	Image: Placing of the Hina Stone and Kihikihi (corners)			Received.
T-3.j7	Image: William Freitas and Ku'ula			Received.
T-3.j8	Image: Ku'ula at Onikahakai, Keaukaha, Aha Kane Hale mua work shop			Received.
T-3.j9	Image: Ahu for Hale Wa'a and Mala (garden) at Kohanaiki in Kona			Received.
T-3.j10	Image: Ahu for Hale Wa'a built by Walter Wong and William Freitas and Ohana			Received.
T-3.j11	Image: Ahu for Mala (garden) in Kailhi, Oahu at Ho'o Ulu Aina a none [sic] profit to help family's have a place to plant food. Work shop by Walter Wong and William Freitas in dry set stone setting.			Received.

T-3.j12	Image: Pohaku kukui oil, 2015 discovery while cleaning roots at ahupua'a in kona where I live.			Received.
T-3.j13	Image Pohaku ku'i'ai, 1961 I found while picking kukui with my Mom to make Ina Mona at the age of 5 yrs old. 2015 my sister returned [sic] it to me as she promised my mother.			Received.
T-3.k	Request to Access A Government Record	Untimely, Mr. Freitas did not identify or produce Exhibit T-3.k until March 5, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
T-3.k1	Video: IMG_5297 Copy	Untimely, Mr. Freitas did not identify or produce Exhibit T-3.ka [sic] until March 5, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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 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.	Denied in consideration of TIO and UHH objections.
T-3.k2	Request to Access A Government Record	Untimely, Mr. Freitas did not identify or produce Exhibit T-3.k2 until March 5, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.
T-3.k3	Pictures of Desecration to Hale Ku Kia'i Mauna (Litter Sanitation)	Untimely, Mr. Freitas did not identify or produce Exhibit T-3.k3 until March 5, 2017, after the close of the testimony portion of the CCH on March 2, 2017.	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.	Denied in consideration of TIO and UHH objections.

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

BLNR Contested Case HA-16-02  
Document title: **Minute Order 44: Order  
regarding documentary evidence**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated on April 20, 2017:

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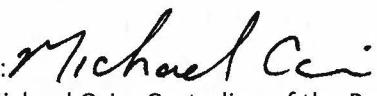
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