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AND COASTAL LANDS

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohē Mauka, Hāmākua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

UNIVERSITY OF HAWAI'I AT HILO'S
**OPPOSITION TO THE TEMPLE OF
LONO'S MOTION FOR
RECONSIDERATION OF MINUTE
ORDER 44; DECLARATION OF
COUNSEL, EXHIBITS 1 TO 5;
CERTIFICATE OF SERVICE**

**UNIVERSITY OF HAWAI'I AT HILO'S OPPOSITION TO THE TEMPLE OF LONO'S
MOTION FOR RECONSIDERATION OF MINUTE ORDER 44**

Applicant UNIVERSITY OF HAWAII AT HILO ("University"), through counsel,
submits its Opposition to the Temple of Lono's ("Temple") Motion for Reconsideration of
Minute Order 44 [Doc. 569] ("Motion").¹ The University respectfully requests that, pursuant to

¹ Hereto the University also submits this Opposition to the following:

A) Harry Fergerstrom's Motion to Temple of Lono's Motion to Reconsider Minute Order
44 [Doc. 570];

the authority delegated to the Hearing Officer under Hawai‘i Revised Statutes (“**HRS**”) § 91-10 and Hawai‘i Administrative Rules (“**HAR**”) §§ 13-1-32 and 35, the Hearing Officer deny the Motion.

I. INTRODUCTION

Following the close of hearings on March 2, 2017, the Hearing Officer gave careful consideration to the parties’ motions to admit exhibits and the objections thereto in order to produce a comprehensive and detailed ruling regarding the admission of exhibits—*i.e.*, Minute Order No. 44. Despite this fact, the Temple now argues that the Hearing Officer’s order is flawed because it unfairly prejudices the Temple, denies the Temple of its due process rights, and therefore demonstrates the Hearing Officer’s bias against the Temple. The Temple ignores the fact that the exhibits excluded by the Hearing Officer are: 1) plainly irrelevant; 2) comprised of legal argument that should not be considered evidence; and/or 3) in the nature of rebuttal or direct testimony for which the proponent was not available for cross examination. Instead, the Temple focuses its well-worn rhetoric premised on baseless allegations of bias, unfairness, and due process rights, which have no bearing on the admissibility of evidence. Accordingly, the Hearing Officer should deny the Motion.

B) J Leina’ala Sleightholm’s Joinder to the Temple of Lono’s Motion to Reconsider MO 44 [Doc. 576]; and

C) Clarence Kukauakahi Ching’s Joinder of 1) Temple of Lono Motion for Reconsideration of Minute Order 44 and Memorandum in Support, 2) Flores-Case ‘Ohana’s Motion to Reconsider Minute Order No. 44 and Notice of Spoliation of Evidence, and Memorandum in Support Dated April 26, 2017, and 3) Mauna Kea Anaina Hou et al. Joinder to the Temple of Lono Motion for Reconsideration of Minute Order 44 and Objections Dated April 27, 2017, Certificate of Service, filed April 28, 2017 [Doc. 587] (“**Ching Joinder**”), to the extent that the Ching Joinder addresses arguments made in the Motion.

II. ARGUMENT

A. MINUTE ORDER NO. 44 IS CONSISTENT WITH THE HEARING OFFICER'S AUTHORITY UNDER THE APPLICABLE STATUTE AND ADMINISTRATIVE RULE

Under HRS § 91-10(1) and HAR § 13-1-35(a), the Hearing Officer may receive any oral or documentary evidence, but exclude evidence that is irrelevant, immaterial, or unduly repetitious.² Exercising this authority, the Hearing Officer issued Minute Order No. 44, admitting the majority of proposed written testimony and exhibits into evidence, and denying admission of those items that are irrelevant, immaterial, or unduly repetitious. The Hearing Officer also excluded evidence submitted in an untimely manner, evidence consisting of legal argument, and evidence constituting of rebuttal or direct testimony not subject to cross-examination. Such rulings were well within the authority granted to the Hearing Officer under HRS § 91-10(1) and HAR § 13-1-35(a).

B. THE TEMPLE'S ARGUMENTS LACK MERIT

The Temple argues that the Hearing Officer erroneously excluded many of its exhibits, primarily citing issues related to bias, unfairness, and due process. These are familiar themes in

² HRS § 91-10(1) governs the rules of evidence for contested cases, and provides that:

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.

HAR § 13-1-35(a) governs the Hearing Officer's authority in contested case proceedings, and provides that:

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.

the Temple's filings, and, as demonstrated below, are characteristically misguided and unavailing here.

1. The Issue of Bias is Irrelevant to the Admissibility of Evidence

The Temple's main argument is that the Hearing Officer should reconsider Minute Order No. 44 because the terms of the order itself demonstrate the Hearing Officer's bias against the "Protector Intervenors."³ This argument fails for several reasons.

First, the issue of bias is irrelevant to the admissibility of evidence, and is equally irrelevant to a motion for reconsideration of a ruling on evidentiary issues. Hearing Officer bias is an issue that should be raised exclusively through a motion for disqualification or recusal.

Second, Minute Order No. 44 does not establish bias on the part of the Hearing Officer. Under HAR § 13-1-32(c), the Hearing Officer has the authority to control the proceeding and set deadlines necessary for the orderly and just conduct of a hearing. The Hearing Officer's exercise of such discretion to set uniform deadlines cannot be evidence of bias.

Finally, the Temple's argument is plainly illogical, as it request that the Hearings Officer reverse her own ruling based on her own bias. If the Hearing Officer believes that her bias affected any ruling, the proper remedy would be recusal, not reconsideration of such ruling.

2. The Procedure Does not Violate Due Process Rights

The Temple argues that the Hearing Officer violated its due process rights by conducting a "bait and switch" that led the Temple to believe that its exhibits would automatically be admitted into evidence. The University notes that the Temple failed to provide any citation as to where in the record the Hearing Officer stated an intent to "take in all the proffered exhibits with very few exceptions" or to grant all motions to admit evidence. Moreover, although it was

³ Defined as all parties except for the University, TMT International Observatory, LLC, and Perpetuating Unique Educational Opportunities, Inc.

understood that the Hearing Officer would apply a relaxed approach to the authentication and admission of evidence, at no time was it specifically stated that all evidence would be admitted. The Hearing Officer made it clear that exhibits can be challenged and excluded, despite this relaxed approach. *See, e.g.*, Ex. 1, Tr. 11/16/16 at 181:15-17 (“Every single exhibit that is out there that everybody expects will be coming in or not, can be challenged”). This understanding is evidenced by the countless evidentiary objections made by the parties throughout the proceeding. *See, e.g.*, Ex. 2, Tr. 1/5/17 at 26:6-27:6 (Kealoha Pisciotto objecting to the testimony of Heather Kaluna as irrelevant); Ex. 3, Tr. 3/1/17 at 83:23-84:14 (Joseph Camara objecting to cross-examination questions regarding Exhibit A-154); *Id.* at 93:14-22 (Dexter Kaiama arguing that the University’s proposed exhibit be excluded); Ex. 4, Tr. 2/28/17 at 273:9-16 (Yuklin Aluli objecting to the University’s proposed exhibit). Additionally, the Hearing Officer consistently required the parties—including the Temple—to lay foundation for exhibits before they could be used during direct and cross-examination of witnesses. *See, e.g.*, Ex. 2, Tr. 1/5/17 at 176:5-179:24 (requiring the Temple to lay foundation regarding proposed Exhibits L-24 and L-25). Furthermore, the Hearing Officer set a clear schedule for the parties to file motions to admit exhibits and to submit responses and objections thereto. If the Hearing Officer intended on simply admit all exhibits into evidence, there would be no purpose in allowing objections to exhibits or requiring foundation be laid. Accordingly, the parties understood all along that exhibits would not be automatically admitted into evidence. As such, there was no “bait and switch” conducted by the Hearing Officer, and the process employed regarding the admission of exhibits did not violate the due process rights of any party.

3. The Temple Had Adequate Time to File Responses to the University’s Objections to Admission of Evidence

The Temple argues that it did not have adequate time or opportunity to respond to the

University's Opposition to Motions to Admit Exhibits and Written Direct Testimony [Doc. 514] (the "**University's Objections**"). However, the record indicates that the Temple had more than a month to respond to the University's Objections, but failed to act. The University's Objections were filed on March 16, 2017, and on March 22, 2017, the Temple filed its Joinder to Mauna Kea Anaina Hou['s] Motion Requesting Time to Respond to Exhibit Objections and Related Matters [Doc. 526]. Thereafter, the Temple did nothing for a month until the Hearing Officer issued Minute Order No. 44. During this time, the Temple had adequate opportunity to file responses to the University's Objections (with an accompanying motion for leave to file), but failed to do so. The Temple cannot now argue that it lacked opportunity to respond when it made no effort to do so within the available time frame.

4. The Process Did Not Unfairly Favor Any Party

The Temple argues that the process for admission of evidence unfairly favored the University and TMT International Observatory, LLC ("**TIO**"). This argument is based on the fact that the Hearing Officer admitted the majority of the University's and TIO's exhibits while excluding many of those offered by the Protector Intervenors. This statement ignores reality. The Hearing Officer received the overwhelming majority of the proffered testimony and exhibits into the record, and received numerous exhibits into evidence over the objections of TIO and the University. In total, of the more than 750 pieces of written testimony and exhibits moved into evidence by all the parties, the Hearing Officer admitted 616. The Temple's unfounded allegation that the Hearing Officer favored certain parties over others is nothing more than a reckless attempt to undermine these proceedings and is clearly contradicted by the language of Minute Order No. 44.

5. The Specific Rulings Regarding the Temple's Exhibits Were Proper

In addition to the general arguments discussed above, the Temple also made arguments

that the Hearing Officer's specific rulings regarding its exhibits were improper. As discussed below, these arguments are unpersuasive.

a. Prehearing Statement

The Hearing Officer properly excluded the Temple's Prehearing Statement as it contained legal argument. As the Temple's counsel, Mr. Sinkin, is well aware, legal argument is not evidence. *See Earth Island Institute v. U.S. Forest Service*, 351 F.3d 1291, 1312 (9th Cir. 2003) ("Argument is not evidence"); *Alleva v. New York City Dept. of Investigation*, 696 F.Supp.2d 273, 278 (E.D.N.Y. 2010) ("legal argument is not evidence"). The Temple points to no ruling by the Hearing Officer that suggests otherwise. The Temple improperly attempted to present the legal arguments in its Prehearing Statement as evidence, and therefore, the statement was properly excluded as evidence.⁴

b. Exhibit L-1 (Rubellite Kawena Johnson Declaration)

The Hearing Officer properly excluded Exhibit L-1 because it constitutes a hearsay declaration that should not be admitted into evidence. Although the Hearing Officer did not enforce the hearsay rule when an oral hearsay statement was made by a witness subject to cross-examination, Exhibit L-1 does not fall within this category because it is a written hearsay declaration of Ms. Rubellite Kawena Johnson, who did not appear as a witness at the hearing and was not subject to cross examination on the contents of her declaration. Accordingly, Exhibit L-1 was properly excluded, even considering the relaxed standards regarding hearsay.

c. Exhibit L-3 (Kahuna Nobriga Article)

The Hearing Officer excluded Exhibit L-3 as immaterial and irrelevant. The Temple

⁴ The University also notes that Minute Order No. 44 denied admission of all prehearing statements, except where the movant did not submit written direct testimony, but instead, incorporated its written direct testimony into its prehearing statement. The Temple submitted written direct testimony, and therefore, does not fall into this exception.

argues that the exhibit is relevant as to whether the traditional Hawaiian faith still exists. Mot. at 16. Assuming that were true, the existence of the traditional Hawaiian faith is not at issue here. Additionally, Exhibit L-3 is an account of efforts to restore the Island of Kaho‘olawe and has nothing to do with Mauna Kea or the Thirty-Meter Telescope Project. Accordingly, Exhibit L-3 is irrelevant and immaterial and thus, was properly excluded.

d. The Temple’s Pleadings and Previous Minute Orders

The Hearing Officer excluded Exhibits L-4, L-5, L-6, L-8, and L-9, each of which are pleadings filed by the Temple in this contested case proceeding. These exhibits were properly excluded because each is comprised of legal arguments, not evidence. Similarly, the Hearing Officer properly excluded Exhibit L-7, the Hearing Officer’s Minute Order No. 19, which set forth the issues to be addressed in this proceeding and does not constitute evidence.

Moreover, these exhibits are irrelevant to the issues at hand. The Temple assert that these exhibits are necessary to support its accusations of mistreatment by the University, as well as bias on the part of the Hearing Officer. Mot. at 16-22. The Hearing Officer has repeatedly rejected the Temple’s attempts to inject its conspiracy theories into these proceedings. *See, e.g.*, Minute Order No. 33 [Doc. 356] (denying the Temple’s Motion to Dismiss Out of Time, which incorporated allegations of bigotry and libel against the University); Minute Order No. 23 [Doc. 346] (denying the Temple’s Motion for Partial Summary Judgment, where the Temple asserted claims of bigotry against the University in its reply memorandum); Minute Order No. 39 [Doc. 406] (denying Renewed Motions to Disqualify Hearing Officer to which the Temple joined and argued bias based on the fact that the Hearing Officer sanctioned acts of bigotry and libel by the University). Therefore, exhibits relating to already excluded issues are plainly irrelevant to the merits of the Conservation District Use Application (“**CDUA**”).

e. Exhibits L-10 and L-12

The Hearing Officer excluded Exhibit L-10 as irrelevant and immaterial. The Temple argues that the exhibit is relevant to Kahuna Nobriga's testimony. The standard for relevance of a document is not whether an exhibit is relevant to someone's testimony, but rather, whether it is relevant to the issues subject to the proceeding. Here, Exhibit L-10 is a **fictional** document drafted by Mr. Sinkin, which describes a completely fabricated "Imperial Guide to the Conquest of Hawai'i" and is plainly irrelevant to the merits of the CDUA. Additionally, this exhibit is a product of Mr. Sinkin's imagination, and has no basis in fact or logic.

The Hearing Officer also excluded Exhibit L-10 because it was authored by Mr. Sinkin, who did not testify and was not subject to cross-examination on the exhibit. Similarly, the Hearing Officer excluded Exhibit L-10, as well as Exhibit L-12, because the exhibits are essentially the direct testimony of Mr. Sinkin and Samuel Lono, respectively, both of whom did not testify and were not subject to cross-examination on the exhibit. The Hearing Officer made clear that written direct testimony of witnesses who were not available for cross-examination would be stricken. *See, e.g.*, Ex. 5, Tr. 12/8/16 at 18:15-19:12. Given that Mr. Sinkin was present for the hearing, he had ample opportunity to submit his testimony and make himself available for cross-examination. Having declined to do so, he cannot now complain that the Hearing Officer declined to receive his testimony into evidence.

f. Exhibit L-13

The Hearing Officer excluded Exhibit L-13 as irrelevant, immaterial, and due to the fact it consists of legal argument, not evidence. The Temple argues that Exhibit L-13 is relevant as to the continued existence of the Temple. Again, the existence of the Temple is not at issue here. Even if it were relevant to the issues in this proceeding, Exhibit L-13 contains legal argument, which, again, is not evidence.

g. Exhibit L-14

The Hearing Officer excluded Exhibit L-14 as irrelevant, immaterial, and due to the fact it consists of legal argument, not evidence. The Temple argues that Exhibit L-14 is relevant as to the University's character. Character is not one of the criteria by which CDUAs are evaluated, nor is it one of the issues set forth in Minute Order No. 19, and therefore, is irrelevant here. And again, even if it were relevant, Exhibit L-14 contains legal argument, not evidence.

h. Exhibit L-24

The University notes that the Temple's argument regarding Exhibit L-24 is ambiguous. The Hearing Officer admitted Exhibit L-24 over the University's objection, and it is unclear what relief the Temple is requesting.

III. CONCLUSION

For the reasons set forth above, the University respectfully requests that the Hearing Officer deny the Motion.

DATED: Honolulu, Hawai'i, May 3, 2017.



IAN L. SANDISON
JOHN P. MANAUT
LINDSAY N. MCANEELEY

Attorneys for Applicant
UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohe Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

DECLARATION OF COUNSEL;
EXHIBITS 1 TO 5

DECLARATION OF COUNSEL

I, IAN L. SANDISON, declare:

1. I am an attorney with Carlsmith Ball LLP, counsel for Applicant University of Hawai'i at Hilo ("**University**") in the above-captioned matter.
2. I am authorized and competent to testify to the matters set forth herein, and unless otherwise indicated, I make this declaration based upon personal knowledge.
3. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the transcript prepared by Carol E.M. Sugiyama of the evidentiary hearing held on November 16, 2016 in the above-captioned matter, presided over by Judge Riki May Amano.
4. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the transcript prepared by Jean Marie McManus of the evidentiary hearing held on January 5, 2017 in the above-captioned matter, presided over by Judge Riki May Amano.
5. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the transcript prepared by Carol E.M. Sugiyama of the evidentiary hearing held on March 1, 2017 in the above-captioned matter, presided over by Judge Riki May Amano.

6. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the transcript prepared by Laura Savo of the evidentiary hearing held on February 28, 2017 in the above-captioned matter, presided over by Judge Riki May Amano.

7. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the transcript prepared by Jean Marie McManus of the evidentiary hearing held on December 8, 2016 in the above-captioned matter, presided over by Judge Riki May Amano.

8. The highlighting included in these excerpts were added by our law firm for ease of reference.

This declaration is made upon personal knowledge. I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, May 3, 2017.



IAN L. SANDISON

EXHIBIT 1

13:04:02 1

BOARD OF LAND AND NATURAL RESOURCES

2

STATE OF HAWAII

3

IN THE MATTER OF) CASE NO. BLNR-CC-16-002

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)

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13:04:02 5

Contested Case Hearing Re)

Conservation District Use)

Application (CDUA) HA-3568)

6

For the Thirty Meter)

Telescope at the Mauna Kea)

7

Science Reserve, Ka'ohe)

Mauka, Hamakua, Hawaii)

8

TMK (3)4-4-015:009)

VOLUME 9

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13:04:02 10

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TRANSCRIPT OF CONTESTED CASE HEARING

12

13

Taken at the Grand Naniloa Hotel, Crown Room,

14

93 Banyan Drive, Hilo, Hawaii, 96720 commencing at

13:04:02 15

9:00 a.m., on Wednesday, November 16, 2016.

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REPORTED BY: CAROL E.M. SUGIYAMA, RPR, CSR NO. 295

13:04:02 20

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14:57:41 1 we'll deal with it at the time.

2 MR. FLORES: So I guess at that time, can I
3 challenge certain exhibits as well as this direct
4 testimony at that particular time?

14:57:50 5 HEARINGS OFFICER AMANO: You wouldn't
6 challenge the written testimony, it would already be in
7 because he's been cross-examined on his written
8 testimony.

9 And so if you want to argue that it should not
14:58:01 10 be given any weight at all, that you can do in your
11 argument.

12 MR. FLORES: Okay. And then to clarify but we
13 can challenge the exhibits that are being proposed to be
14 put into evidence.

14:58:13 15 HEARINGS OFFICER AMANO: Every single exhibit
16 that is out there that everybody expects will be coming
17 in or not, can be challenged.

18 MR. FLORES: So wouldn't we also have the
19 opportunity to challenge the written direct testimony
14:58:26 20 that is being proposed to be put into evidence as well?

21 HEARINGS OFFICER AMANO: Not once the witness
22 testifies because we're all relying on the written
23 testimony, and that is why you folks are all doing
24 cross-examination.

14:58:38 25 So the way you would challenge it is you would

STATE OF HAWAII)
) SS.
COUNTY OF HONOLULU)

I, CAROL E.M. SUGIYAMA, C.S.R., do hereby
certify:

That on November 16, 2016, at 9:00 a.m., the proceedings contained herein was taken down by me in the machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents, to the best of my ability, a true and correct copy of the proceedings had in the foregoing matter.

I further certify that I am not of counsel
for any of the parties hereto, nor in any way interested
in the outcome of the cause named in this caption.

DATED: December 21, 2016

S/S Carol E.M. Sugiyama

CAROL E.M. SUGIYAMA, C.S.R. #295

EXHIBIT 2

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF) CASE NO. BLNR-CC-002
)
Contested Case Hearing Re)
Conservation District Use)
Application (CDUA) HA-3568)
For The Thirty Meter) VOLUME 22
Telescope at the Mauna Kea)
Science Reserve, Ka'ohe)
Mauka, Hamakua, Hawai'i)
TMK (3) 4-4-015:009)
-----)

CONTESTED CASE HEARING

Held on January 5, 2017, commencing at 9:00 a.m., at
Grand Nanihoa Hotel, Crown Room, 93 Banyan Drive,
Hilo, Hawaii 96720.

BEFORE: Jean Marie McManus, CSR #156

1 Q Do you believe -- well, any of your
2 practices be impacted by the construction of the
3 Thirty Meter Telescope?

4 A No.

5 Q Okay.

6 MS. PISCIOTTA: I want to state for the
7 record, it's not about you -- that I think it's
8 outside the scope of this contested case hearing, her
9 testimony. Because astronomy is not an issue in this
10 case, the merits of astronomy are not at issue in
11 this case.

12 If we were -- if the TMT were attempting to
13 build a hospital, using the same methodologies with
14 the same threats to the environment or to the
15 cultural practices, we would object but we wouldn't
16 mean we were against health care.

17 So I believe this witness's testimony is
18 outside the scope of our hearing. There's nothing in
19 the eight criteria that says that the merits of
20 astronomy could somehow override the eight criteria.
21 And then there's nowhere in state law or
22 constitutional law that protects astronomy. It does,
23 however, protect Native Hawaiian rights and religious
24 rights.

25 So I'd like to mark for the record that I

1 don't have any further questions. I would love to
2 talk to you separately outside of this about your
3 astronomy, but that's what I want to state for the
4 record that I object to not her, but her as a witness
5 here in this contested case hearing and I don't have
6 any further questions. Mahalo.

7 HEARINGS OFFICER AMANO: Thank you.

8 Mr. Shinyama, would you like to respond?

9 MR. SHINYAMA: Yeah, Your Honor. We would
10 object to Ms. Pisciotta's argument regarding the
11 relevance of Dr. Kaluna's testimony. Dr. Kaluna's
12 testimony is clearly a relevant part of the
13 administrative rules and eight criteria before this
14 board is to consider public health and welfare as
15 well as community benefits. And also as Dr. Kaluna
16 has just testified to, she considers astronomy as
17 part of her practices on the mauna and which under Ka
18 Pa'akai this court and this board is required to take
19 inventory of so it's clearly relevant, Your Honor.

20 HEARINGS OFFICER AMANO: Thank you.

21 Ms. Pisciotta.

22 MS. PISCIOTTA: Yeah, when I asked the
23 question about traditional and customary practices,
24 traditional customary practices are well defined.
25 They were well-defined in the Supreme Court decision

1 that brought us back here, and modern astronomy is
2 not within that scope.

3 Traditional astronomy is within that scope.
4 We have many witnesses who will come up and talk
5 about how their traditional star lore, star knowledge
6 and quote/unquote astronomy will be affected.

7 But I'm sorry she's not testifying to that,
8 and so I would refute what he's saying here. The
9 rules don't require protecting modern astronomy and
10 modern telescopes, but the constitution unequivocally
11 protects traditional and customary practice and that
12 is defined in the law and in the case that sent us
13 here. That's why I believe it's outside the scope.
14 Thank you.

15 HEARINGS OFFICER AMANO: Thank you.

16 Mr. Ching.

17 CROSS-EXAMINATION

18 BY MR. CHING:

19 Q Good morning, Dr. Kaluna.

20 A Aloha.

21 Q I'm called Ku Ching or Uncle Ku Ching, glad
22 to meet you.

23 A Nice to meet you, too.

24 Q In your oral testimony, you talk about your
25 father and your parents. Would you have any other

1 telescope is an entire industry that produces
2 \$88 million worth of income in Hawaii would help to
3 offset uncertainties in an industry that produces
4 \$14.7 billion?

5 MR. SHINYAMA: Objection, Your Honor, lack
6 of foundation. He's already testified he's unaware
7 of the tourism number.

8 HEARINGS OFFICER AMANO: Mr. Sinkin.

9 MR. SINKIN: I have a document, Your Honor.
10 This is the Hawaii tourism authority immediate
11 release January 29, 2015, titled, a record
12 8.3 million visitors came to Hawaii in 2014. Total
13 visitor expenditures grew to 14.7 billion.

14 MR. SHINYAMA: Do you have an exhibit
15 number for this?

16 MR. SINKIN: No.

17 MR. SHINYAMA: Are you going to?

18 HEARINGS OFFICER AMANO: Will you mark
19 that, if you don't mind, next in order for your own
20 exhibit.

21 MR. SINKIN: I can do that.

22 HEARINGS OFFICER AMANO: Just so that we
23 have a record of it.

24 MR. SINKIN: Okay.

25 MR. SHINYAMA: Can I also get a copy,

1 please?

2 Q (By Mr. Sinkin): So do you see now that
3 the Hawaii Tourist Authority says that the estimated
4 income is -- I'll have you double check. What does
5 it say in the headline of that release?

6 A Yes, but can I make a comment?

7 Q Have at it.

8 A This talks about 8.3 million visitors came
9 to Hawaii and grew to the -- the visitor expenditure
10 14.7 billion.

11 Q Billion.

12 A So I would ask the Hawaii Tourism Authority
13 how much of that money stayed in Hawaii.

14 Q I understand you have a --

15 A Then you can compare our measly 800 million
16 to this number.

17 Q I believe it's 88 million, whatever.

18 A I don't even know the numbers for that.

19 Q Okay. I'll do the second exhibit.

20 A But then you can compare the two.

21 Q Right.

22 So I'll give the second exhibit Astronomy
23 Economic Research Organization at the University of
24 Hawaii. It's titled The Economic Impact of Astronomy
25 in Hawaii, and it's dated August 28, 2014, and we'll

1 talk about it?

2 HEARINGS OFFICER AMANO: Mr. Sinkin, may I
3 hand this to Mr. Cain so that he can upload it for
4 you?

5 Just mark it next in order.

6 Q (By Mr. Sinkin): Turning to page three of
7 that exhibit in the second paragraph, the second
8 sentence begins, total astronomy related spending.
9 Do you see that?

10 MR. SHINYAMA: Your Honor, before we
11 proceed, I would like foundation laid that
12 Dr. Coleman has never seen this particular report, or
13 is this one that you were referring to earlier?

14 MR. SINKIN: This is one we talked about
15 earlier.

16 HEARINGS OFFICER AMANO: I think he's
17 laying foundation now.

18 MR. SINKIN: Yes, absolutely.

19 HEARINGS OFFICER AMANO: Go ahead.

20 Q (By Mr. Sinkin): You see that sentence?
21 On the second paragraph, second sentence, total
22 astronomy related spending. The paragraph begins
23 local astronomy, the second paragraph. If you just
24 drop down to the second line.

25 A I got it.

1 Q There you go. Could you read that
2 sentence, please?

3 A "Total astronomy related spending in the
4 state was 88.09 million".

5 Q And going to the first page of this
6 document, you can confirm that that's published in
7 August 28, 2014?

8 A Yes.

9 Q Okay. Did I hear yes?

10 A Yes, sorry.

11 Q And would you have any idea how much of
12 that \$88 million remained in Hawaiian and didn't go
13 out to astronomical facilities operated by foreign
14 countries or foreign entities?

15 A Probably zero went to foreign entity
16 telescope in astronomy groups. They pour their money
17 into the state not we pay them.

18 Q Don't we have examples of people who have
19 paid them to use the telescopes?

20 A No, doesn't work that way.

21 Q Thank you.

22 That's all I have, Your Honor.

23 HEARINGS OFFICER AMANO: Thank you, Mr.

24 Sinkin.

25 Mr. Vicente.

1 CERTIFICATE
2 STATE OF HAWAII)
3) SS.
4 COUNTY OF HONOLULU)

5 I, JEAN MARIE McMANUS, do hereby certify:

6 That on January 5, 2017, at 9:00 a.m., the
7 proceedings contained herein was taken down by me in
8 machine shorthand and was thereafter reduced to
9 typewriting under my supervision; that the foregoing
10 represents, to the best of my ability, a true and
11 correct copy of the proceedings had in the foregoing
12 matter.

13 I further certify that I am not of counsel for
14 any of the parties hereto, nor in any way interested
15 in the outcome of the cause named in this caption.

16 Dated this 5th day of January, 2017, in
17 Honolulu, Hawaii.

18
19 /S/Jean Marie McManus
20 JEAN MARIE McMANUS, CSR #156
21
22
23
24
25

EXHIBIT 3

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 Use)
 Application (CDUA) HA-3568)
 For the Thirty Meter)
 Telescope at the Mauna Kea)
 Science Reserve, Ka'ohe)
 Mauka, Hamakua, Hawaii) VOLUME 43
 TMK (3)4-4-015:009)
)

TRANSCRIPT OF CONTESTED CASE HEARING

Taken at the Grand Naniloa Hotel, Crown Room,
 93 Banyan Drive, Hilo, Hawaii, 96720 commencing at
 9:00 a.m., on Wednesday, March 1, 2017.

REPORTED BY: CAROL E.M. SUGIYAMA, RPR, CSR NO. 295

11:09:19 1 A No. No. It was a land committee on Big
2 Island.

3 Q Thank you.

4 Next I would like to show the witness the
11:09:35 5 exhibit that was marked as Exhibit A-154, and this is a
6 letter on Sierra Club letterhead Hawaii chapter dated
7 February 4, 1997, addressed to Sandra Malama Solomon and
8 it is signed by Nelson Ho.

9 (Handing document to witness.)

11:10:44 10 Could you take a quick review of this letter
11 quickly and pay attention to the last page where the
12 signature page is and the cc's and see that on Mililani
13 Trask is a cc on this letter.

14 Did you participate with Nelson Ho in drafting
11:11:56 15 this letter?

16 A I'm only on page 3.

17 This letter is pretty accurate in terms of the
18 work that we had all been doing trying to look at the
19 EIS concern about the replacement of the old plan with
11:13:21 20 the new.

21 And we were working -- Senator Solomon was a
22 senator from the Big Island, and we were working with
23 her because she had been following it and was concerned
24 about the -- not only the cultural problems up there,
11:13:36 25 but the audit findings that she didn't feel were being

11:13:42 1 addressed there.

2 But when I look at this document, yes, we were
3 looking at all of these things, you know, the large
4 telescopes coming in. The deregulation was a big
11:13:56 5 concern and a big fear, too, at the time. But, yes, you
6 know, this letter is accurate.

7 Q And you did participate in drafting that letter
8 with Mr. Ho?

9 A I see that I'm cc'd on it.

11:14:11 10 I don't know if I participated in drafting it,
11 but it's pretty accurate in terms of the work that we
12 were doing.

13 Q So it's consistent with discussions and
14 meetings that you had with Mr. Ho at the time?

11:14:22 15 A Yes, yes.

16 Q Did you also meet with or discuss these topics
17 with Kealoha Pisciotta?

18 A Yes.

19 Q Did you also --

11:14:31 20 A She was on the land committee of Ka Lahui for
21 this island.

22 Q Yes. And did you also meet and discuss those
23 issues with Clarence Ching?

24 A With Ku, yes, yes.

11:14:44 25 Q And did you also meet and discuss those issues

11:14:47 1 with Debbie Ward?

2 A You know, the po'o of the Sierra Club at the
3 time was Nelson. I think Debbie was, yes, coming, but I
4 don't know -- Nelson attended every single discussion.

11:15:02 5 But, you know, I don't -- I mean, I don't -- I remember
6 Nelson. You know, he was pretty much the spokesperson
7 for them.

8 Q And did you also meet and discuss the issues
9 that are discussed in that letter with Paul Neves?

11:15:16 10 A Yes. Paul was the lukanela kia'aina to the
11 nation.

12 Q And were there any members of Kahea at the time
13 that you worked with?

14 A You know, I don't recall Kahea. I don't
11:15:33 15 recall Kahea coming in there. But if you give me the
16 names of their board members at the time -- you know, I
17 cannot recall who was on there at the time.

18 Q Okay, thank you.

19 HEARINGS OFFICER AMANO: Mr. Sandison, I'm
11:15:48 20 sorry, but could you identify that document again,
21 please.

22 MR. SANDISON: Excuse me.

23 MR. CAMARA: I have an objection.

24 HEARINGS OFFICER AMANO: Hold on. Let me get
11:16:06 25 an answer to my question and then I'm going to take your

11:16:06 1 objection.

2 MR. SANDISON: This is marked as Exhibit
3 A-154, which is a letter from Nelson Ho on the Sierra
4 Club Hawaii Chapter letterhead to Senator Malama
11:16:20 5 Solomon.

6 HEARINGS OFFICER AMANO: Dated.

7 MR. SANDISON: Dated February 4, 1997.

8 HEARINGS OFFICER AMANO: Thank you. Thank
9 you.

11:16:28 10 Mr. Camara, your objection.

11 MR. CAMARA: I'm not sure that this is
12 relevant to the direct testimony. And if he can offer
13 some sort of proof as to the land questioning and where
14 he's going with this.

11:16:49 15 MR. SANDISON: This is a foundation -- this is
16 a foundational question to -- and it will relate back to .
17 direct testimony in this witness' written direct
18 testimony.

19 HEARINGS OFFICER AMANO: Okay. So did you
11:17:03 20 understand? He's building to something that relates
21 back to the written direct testimony. It's foundation.

22 MR. CAMARA: Thank you.

23 HEARINGS OFFICER AMANO: Okay, thank you.

24 But, Mr. Sandison, I do hope we're getting there sooner
11:17:15 25 than later.

11:29:35 1 posted on the Environment Hawaii website which appears
2 at the bottom of the Environment Hawaii article, she
3 stated that the Sierra Club, in particular they couldn't
4 be trusted -- I'm paraphrasing, I don't have it in front
11:29:54 5 of me -- they couldn't be trusted and one had to be
6 concerned about their positions and data.

7 And I wanted to impeach her on this section
8 that she works with Sierra Club and that is what these
9 letters were about.

11:30:13 10 HEARINGS OFFICER AMANO: It goes to the weight
11 of the evidence, but I appreciate your objection
12 Mr. Camara -- Mr. Ono.

13 Okay. Mr. Kaiama, what is it that you need?

14 MR. KAIAMA: Your Honor, if I may, with
11:30:26 15 respect to that evidence Exhibit A that Mr. Sandison
16 spoke about, I would just offer my objection.

17 Ms. Mililani testified yesterday that she had
18 no knowledge of that testimony and mentioned in her
19 direct testimony -- in her cross-examination that she
11:30:45 20 was, in fact, responding to a verbal engagement by the
21 author. And so we would take the position that that
22 article should be entirely --

23 HEARINGS OFFICER AMANO: You know what,
24 Ms. Aluli made an objection at the time, and I made a
11:30:59 25 ruling on that already. So I appreciate your comments,

11:31:01 1 but this will all go to weight.

2 MR. KAIAMA: Thank you.

3 HEARINGS OFFICER AMANO: Mr. Ono for
4 cross-examination.

11:31:08 5 CROSS-EXAMINATION

6 BY MR. ONO.

7 Q Thank you, Your Honor.

8 Good morning, Ms. Trask, Jeff Ono for TMT.

9 A Good morning, Jeff.

11:31:15 10 Q We know each other.

11 A We do.

12 Q I want to talk about the Pele Defense Fund, the
13 original PDF.

14 A Yes.

11:31:24 15 Q You were a member of the Pele Defense Fund; is
16 that right?

17 A My law firm had worked with them at the time,
18 I was a member. I attended their meetings. I would
19 say, yes.

11:31:40 20 As a Kia'aina, you know, you are limited as to
21 what organizations you can join and be member of. For
22 all practical purposes, yes, I did many things with them
23 including ceremony.

24 Q The Pele Defense Fund was formed in 1983 to
11:31:55 25 oppose the development of geothermal power plants on Puna

EXHIBIT 4

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF) CASE NO. BLNR-CC-002
)
 Contested Case Hearing)
 Re Conservation District)
 Use Application (CDUA))
 HA-3568 For The Thirty) VOLUME 42
 Meter Telescope at the)
 Mauna Kea Science)
 Reserve, Ka'ohe Mauka,)
 Hamakua, Hawai'i TMK)
 (3)4-4-015:009)
 -----)

CONTESTED CASE HEARING

Held on Tuesday, February 28, 2017, commencing at
 9:01 a.m., at the Grand Naniloa Hotel, Crown Room,
 93 Banyan Drive, Hilo, Hawaii 96720.

BEFORE: Laura Savo, CSR #347

1 an article from Environment Hawaii, which is dated 05:07:29
2 February 2017, and it has to do with -- it concerns 05:07:33
3 Marti Townsend and her testimony at this contested 05:07:44
4 case hearing. And it also contains a comment from 05:07:48
5 the current witness, and I would like to 05:07:53
6 cross-examine her on that comment. 05:07:57

7 HEARINGS OFFICER AMANO: All right. 05:08:03

8 Q (By Mr. Sandison): You're familiar with 05:09:05
9 this article; is that correct, Ms. Trask? 05:09:06

10 A No. I've never actually seen this thing. 05:09:09

11 Q You've never seen this article before? 05:09:12

12 A I don't think so. 05:09:14

13 Q I see. 05:09:15

14 A You're saying that I gave -- I was 05:09:16
15 interviewed for this? 05:09:18

16 Q Could you look at page 3 of 4 on the 05:09:19
17 exhibit? 05:09:40

18 MR. CAMARA: Objection, Your Honor. Is 05:09:43
19 the witness being asked to comment on a document that 05:09:44
20 she's not even included on and she's never seen 05:09:48
21 before? 05:09:51

22 HEARINGS OFFICER AMANO: Well, we're just 05:09:52
23 about to establish that, I think. 05:09:53

24 MR. SANDISON: That's correct. 05:09:55

25 THE WITNESS: I don't think I saw the 05:09:59

1 article. I think I just talked to Pat because this 05:10:00
2 Environment Hawaii, isn't that Pat Tummons? 05:10:03

3 HEARINGS OFFICER AMANO: I'm sorry. Pat 05:10:07
4 what? 05:10:09

5 THE WITNESS: Isn't this the publication 05:10:10
6 of Pat Tummons? 05:10:12

7 Q (By Mr. Sandison): I believe that Pat 05:10:16
8 Tummons is the editor of the Environment Hawaii. 05:10:20

9 A Okay. Okay. Yeah. I remember having a 05:10:22
10 talk with her. It could have been this. Not Marti. 05:10:24
11 But Pat, she was looking at this. She was 05:10:28
12 questioning some of the statements that had been made 05:10:32
13 by Sierra. 05:10:34

14 Q And in the -- on the response starting at 05:10:41
15 the bottom of page 3, which appears to be a written 05:10:43
16 response made February 7th in a reply to the 05:10:50
17 document; right? 05:10:57

18 A Yes. 05:11:00

19 Q You see that; yes? 05:11:00

20 A Yes. 05:11:02

21 Q And it says "Mililani B. Trask"? 05:11:02

22 A Yes. 05:11:04

23 Q Is that you? 05:11:05

24 A Yes. 05:11:06

25 Q And does it say "Aloha, Pat"? 05:11:08

1 A This is not the first time that Marti 05:11:13
2 Townsend hasn't been honest and truthful about 05:11:16
3 matters critical to our people. 05:11:20

4 MS. ALULI: Your Honor, to the extent 05:11:24
5 that this -- 05:11:27

6 HEARINGS OFFICER AMANO: Just a minute,
7 please.

8 Go ahead, Ms. Aluli.

9 MS. ALULI: To the extent that this is 05:11:29
10 being offered to denigrate the testimony of a witness 05:11:31
11 that we offered in, KAHEA, I was aware of this going 05:11:32
12 on. I said, "Judge isn't going to read these papers 05:11:39
13 about Mauna Kea. We don't need to worry about it." 05:11:43
14 Now we object to its introduction in terms of its 05:11:46
15 attempt to impeach someone who's not here, our 05:11:52
16 witness, Marti Townsend -- 05:11:56

17 HEARINGS OFFICER AMANO: Well, let me 05:11:59
18 explore that. I think your objection is out of place 05:11:59
19 at this time, but I appreciate what you're saying. 05:12:02

20 So, Mr. Sandison, can we get to the 05:12:04
21 point? I think the question is whether or not this 05:12:06
22 witness wrote this statement, and then we are not 05:12:08
23 here to address the issue of Ms. Townsend. 05:12:12

24 MR. SANDISON: I don't intend to discuss 05:12:16
25 Ms. Townsend very much at all. 05:12:18

1 HEARINGS OFFICER AMANO: Well, let's get 05:12:21
2 to the point. 05:12:22

3 Q (By Mr. Sandison): Did you write -- did 05:12:23
4 you review this article and did you write these 05:12:24
5 comments? 05:12:26

6 A No, no. I didn't review the article. I 05:12:26
7 didn't see it. But I did have a conversation with 05:12:27
8 Pat a while back about some of the statements that 05:12:29
9 she was getting in terms of Mauna Kea. She was 05:12:32
10 questioning --

11 HEARINGS OFFICER AMANO: Wait.

12 THE WITNESS: -- whether or not they were 05:12:36
13 accurate. 05:12:38

14 HEARINGS OFFICER AMANO: Very 05:12:39
15 specifically, is that comment, which is indicated as 05:12:40
16 "reply" and that appears to bear your typewritten 05:12:43
17 name -- 05:12:46

18 THE WITNESS: Yes. 05:12:47

19 HEARINGS OFFICER AMANO: -- did that come 05:12:47
20 from you? 05:12:48

21 THE WITNESS: Yes. But it wasn't in 05:12:49
22 response to the article 'cause I never saw it. 05:12:50

23 MR. SANDISON: Okay. Thank you. 05:12:54

24 THE WITNESS: I had a call from Pat. 05:12:55

25 MR. SANDISON: Thank you. 05:12:57

C E R T I F I C A T E

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

I, LAURA SAVO, a Certified Shorthand Reporter in and for the State of Hawaii, do hereby certify:

That the foregoing proceedings were taken down by me in machine shorthand at the time and place herein stated, and was thereafter reduced to typewriting under my supervision;

That the foregoing is a full, true and correct transcript of said proceedings;

I further certify that I am not of counsel or attorney for any of the parties to this case, nor in any way interested in the outcome hereof, and that I am not related to any of the parties hereto.

Dated this 20th day of March 2017 in Honolulu, Hawaii.

/S/ Laura Savo
LAURA SAVO, RPR, CSR NO. 347

EXHIBIT 5

1 BOARD OF LAND AND NATURAL RESOURCES

2 STATE OF HAWAI'I

3 IN THE MATTER OF) CASE NO. BLNR-CC-002
4)
4 Contested Case Hearing Re)
Conservation District Use)
5 Application (CDUA)HA-3568)
For The Thirty Meter) VOLUME 14
6 Telescope at the Mauna Kea)
Science Reserve, Ka'ohe)
7 Mauka, Hamakua, Hawai'i)
TMK (3)4-4-015:009)
8 -----)

9 CONTESTED CASE HEARING

10 Held on December 8, 2016, commencing at 9:00 a.m., at
11 Grand Naniloa Hotel, Crown Room, 93 Banyan Drive,
12 Hilo, Hawaii 96720.

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24 BEFORE: Jean Marie McManus, CSR #156
25

1 MR. FREITAS: Every testimony.

2 HEARINGS OFFICER AMANO: Yes.

3 MR. FREITAS: They have been submitted?

4 HEARINGS OFFICER AMANO: Well, I haven't
5 received it, but that's the cross-examination
6 everyone has relied on.

7 MR. FREITAS: I recall -- and excuse me for
8 my ignorance on this -- I recall that evidence would
9 be accepted at the end of all testimony.

10 HEARINGS OFFICER AMANO: Let me do it this
11 way. So there are submissions, and I'm not going
12 to spend a lot of time --

13 MR. FREITAS: I don't want to change
14 anything, if I got the wrong understanding.

15 HEARINGS OFFICER AMANO: I'm going to
16 explain, but I'm not spending a lot of time on it
17 because we have proceeded quite a ways already with a
18 pretty clear understanding. Everybody you thought
19 you might be called as a witness, for instance let's
20 use the University since they're the only ones who
21 have presented witnesses so far.

22 They have had to submit written direct
23 testimonies all on file, right? It's already
24 uploaded. Everybody has had it for at least two
25 months. However, I did not accept those testimonies

1 in evidence. And the reason is, they may have
2 submitted, and I don't know this for a fact, written
3 direct testimonies for all the witnesses on their
4 witness list, and they might not have called that
5 person. If they don't call that person, I'm not
6 going to receive the written direct testimony without
7 giving you folks a chance to cross-examine, okay?

8 So I haven't received it, but my intention
9 is to receive the written direct testimonies as
10 evidence after they've testified, and I intend to do
11 it all at the end of all the hearings, after we're
12 all done. So it's going to apply to everybody.

13 MR. FREITAS: That clarified, my question
14 was, if it was accepted by you, if every -- after
15 every testimony was accepted by you, but you're
16 allowing everyone to testify first before you accept
17 it. If you did accept it, then would it hinder my
18 right to recall like Wally Ishibashi to
19 cross-examine?

20 HEARINGS OFFICER AMANO: I think I answered
21 this question for you yesterday or the other day, and
22 that is, you have a right to call your own witnesses.
23 You also have a right to call rebuttal, but there has
24 to be a basis. So there are those opportunities for
25 one thing.

1 Number two, what applies to one witness is
2 going to apply to all the witnesses. So if Mr.
3 Ashida is absent one day and happens to be your
4 witness and he's not here to cross-examine, tough.
5 Or same is true for Mr. Ing or anybody else.

6 So that's why you can ask a simple question
7 like you say, hey, the witness is here all the time,
8 would be a simple matter to bring him back up, but
9 the rule has to apply to everyone.

10 MR. FREITAS: I just wanted to know the
11 rule, because you're the Hearing Officer, and I'm
12 trying to follow your rules.

13 HEARINGS OFFICER AMANO: I know, and I
14 appreciate that.

15 MR. FREITAS: And try to understand it and
16 comprehend it.

17 With that understanding now, if someone
18 cross-examines Ms. Nagata and I don't get a chance,
19 let's say I miss my chance, but I want to rebuttal
20 one of the statement she might have said with a
21 witness, am I allowed to do that?

22 HEARINGS OFFICER AMANO: That's a good
23 question. So what would happen is, and we have done
24 in this in the past, applies to everybody. If for
25 some reason you have to leave at 3:00 o'clock, and

1 CERTIFICATE
2 STATE OF HAWAII)
3) SS.
4 COUNTY OF HONOLULU)

5 I, JEAN MARIE McMANUS, do hereby certify:

6 That on December 8, 2016, at 9:00 a.m., the
7 proceedings contained herein was taken down by me in
8 machine shorthand and was thereafter reduced to
9 typewriting under my supervision; that the foregoing
10 represents, to the best of my ability, a true and
11 correct copy of the proceedings had in the foregoing
12 matter.

13 I further certify that I am not of counsel for
14 any of the parties hereto, nor in any way interested
15 in the outcome of the cause named in this caption.

16 Dated this 8th day of December, 2016, in
17 Honolulu, Hawaii.

18
19 /S/ Jean Marie McManus

20 JEAN MARIE McMANUS, CSR #157
21
22
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24
25

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohē Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

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

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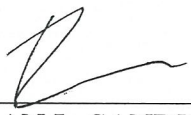
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DATED: Honolulu, Hawai'i, May 3, 2017.



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