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2017 MAY 11 P 3:03

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

THE UNIVERSITY OF HAWAI'I AT
HILO'S JOINDER TO TMT
INTERNATIONAL OBSERVATORY,
LLC'S OPPOSITION TO PARTIES'
PETITION TO THE BOARD FOR
ONLINE ACCESS TO THE
TRANSCRIPTS [DOC. NO. 622], FILED
MAY 10, 2017 [DOC. NO. 627];
DECLARATION OF COUNSEL;
EXHIBIT "1"; CERTIFICATE OF
SERVICE

**THE UNIVERSITY OF HAWAII AT HILO'S JOINDER TO
TMT INTERNATIONAL OBSERVATORY, LLC'S OPPOSITION TO
PARTIES' PETITION TO THE BOARD FOR ONLINE ACCESS TO THE
TRANSCRIPTS [DOC. NO. 622], FILED MAY 10, 2017 [DOC. NO. 627]**

Applicant UNIVERSITY OF HAWAI'I AT HILO ("University"), through its counsel,
Carlsmith Ball LLP, joins in TMT International Observatory, LLC's Opposition to Parties'
Petition to the Board for Online Access to the Transcripts [Doc. No. 622], filed May 10, 2017

[Doc. No. 627], for the reasons stated therein.

Moreover, KAHEA: The Hawaiian Environmental Alliance (“KAHEA”) informed the Hearing Officer on May 11, 2017 that it had arranged for online access to 39 volumes of the hearing transcripts through the cooperation of McManus Court Reporters and the Office of Hawaiian Affairs.¹ Ex. 1. KAHEA’s email indicated that it would be providing access to each of the movants in the Parties’ Petition to the Board for Online Access to the Transcripts [Doc. No. 622] (“**Petition**”). *Id.* Therefore, the movants have obtained the relief they seek, and the Petition should be denied as moot.

DATED: Honolulu, Hawai‘i, May 11, 2017.



IAN L. SANDISON
JOHN P. MANAUT
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Attorneys for Applicant
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¹ The University notes that pursuant to Haw. Rev. Stat. § 606-13 (1996), “the fees for transcripts ordered [from official court reporters] by a party shall be paid by the party ordering the same.” Therefore, to the extent the parties seek a copy of the transcripts for their own use, they are required by law to purchase them from the court reporter, as part of her compensation, which is what KAHEA appears to have done.

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Science Reserve, Ka'ohē Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

DECLARATION OF COUNSEL;
EXHIBIT "1"

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 the May 11, 2017 email I received from Yuklin Aluli, counsel for KAHEA: The Hawaiian Environmental Alliance, concerning online access to the hearing transcripts.

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 11, 2017.



IAN L. SANDISON

EXHIBIT 1

Ian L. Sandison

From: Yuklin Aluli <yuklin@kailualaw.com>
Sent: Thursday, May 11, 2017 1:52 PM
To: Riki Amano
Cc: B. Pualani Case; Bianca Isaki; Brannon Kamahana Kealoha; C. M. Kaho'okahi Kanuha; Ian L. Sandison; Cindy Freitas; Clarence Ching; Debbie Ward; E. K. Flores; Glen Kila; Harry Fergerstrom; J. Leina'ala Sleightholm; Joseph Kualii Lindsey Camara; Kalikolehua Kanaele; Kealoha Pisciotta; Lanny Sinkin; Maelani Lee; Mehana Kihoi; Michael Cain; Moses Kealamakia Jr.; OC&CL; Paul K. Neves; Richard DeLeon; Stephanie-Malia Tabbada; Tiffnie kakalia; Torkildson Katz; Watanabe Ing LLP; William Frietas; Wilma H. Holi
Subject: Contested Case HA-16-02 regarding CDUA HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Kaohe Mauka, Hamakua, Hawaii, TMK (3)4-4-015:009
Attachments: List of Password Access Users (2017-05-10).pdf

Aloha Judge Amano:

I am happy to inform you that, albeit belatedly, we were able to secure online access for the parties identified in the attached list to the 39 volumes of transcripts prepared by McManus Court Reporters for the evidentiary hearings in this matter held before you from October 20, 2016 through March 2, 2017. This is made possible by Office of Hawaiian Affairs and Ms. McManus' cooperation. We are still in the process of downloading onto a secure dropbox password controlled. It is my hope to have it available by end of business tomorrow (May 12, 2017).

Mahalo,
Yuklin Aluli

enclos.
YA:kmt

cc: All parties on the contested case Certificate of Service

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List of Password Access Users

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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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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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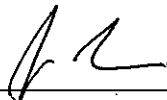
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DATED: Honolulu, Hawai'i, May 11, 2017.



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