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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

THE UNIVERSITY OF HAWAI'I AT
HILO'S STATEMENT OF POSITION ON
FLORES-CASE OHANA'S MOTION FOR
CLARIFICATION OR, IN THE
ALTERNATIVE, RECONSIDERATION
RE: MINUTE ORDERS NO. 43 AND 44,
FILED 4/25/17 & 4/27/17 [DOC. NOS. 58
& 57]; DECLARATION OF COUNSEL;
CERTIFICATE OF SERVICE

**THE UNIVERSITY OF HAWAI'I AT HILO'S STATEMENT OF POSITION ON
FLORES-CASE OHANA'S MOTION FOR CLARIFICATION OR,
IN THE ALTERNATIVE, RECONSIDERATION RE: MINUTE ORDERS
NO. 43 AND 44, FILED 4/25/17 & 4/27/17 [DOC. NOS. 58 & 57]**

Applicant UNIVERSITY OF HAWAI'I AT HILO ("University") submits its Statement
of Position on *Motion for Clarification or, in the Alternative, Reconsideration re: Minute Orders
No. 43 and 4, filed 4/25/17 & 4/27/17 [Doc. Nos. 558 & 557]*, filed by the Flores-Case 'Ohana
("Flores-Case Ohana") on May 15, 2017 [Doc. 634] (the "Motion").

Without waiving the University's argument that the Flores-Case Ohana does not have a

due process right to transcripts in this contested case proceeding,¹ the University submits this Statement of Position for the limited purpose of clarifying the record regarding the Flores-Case Ohana's representation that Volume 24 of the contested case transcripts was not available at the Thelma Parker Memorial Public and School Library (the "**Library**"). Motion at 3. While Ms. Juanette Cordeiro's May 9, 2017 letter did indicate that the Library did not receive Volume 24, set of transcripts, the University has since confirmed that Volume 24, albeit mislabeled Volume 23, was, in fact, received by and available at the Library. *See* Counsel Decl. at ¶¶ 4-6. Thus, the Library has had a complete set of transcripts since on or about April 18, 2017. *See* Minute Order No. 43 [Doc. 552] at 1. Moreover, complete sets of the evidentiary hearing transcripts were also available at five other libraries, including three libraries on the Island of Hawai'i. Thus, there was no "omission" of Volume 24 from the set of transcripts received by the Library, and the Flores-Case Ohana, as well as any other member of the public, had access to the full set of transcripts at the Library and at any of the other five locations identified in Minute Order No. 43.

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



IAN L. SANDISON
JOHN P. MANAUT
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UNIVERSITY OF HAWAI'I AT HILO

¹ *See* the University's *Opposition to the Flores-Case Ohana's Motion to Reconsider Minute Order No. 43* [Doc. 592].

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Case No. BLNR-CC-16-002

DECLARATION OF COUNSEL

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. On June 20, 2017, I spoke on the telephone with library staff at the Thelma Parker Memorial Public and School Library (the "**Library**").
4. I was informed that the Library received all 44 volumes of the evidentiary hearing transcripts in this matter. However, Volume 24 was erroneously labeled "Volume 23."
5. A library patron brought the clerical error to the library staff's attention.
6. Therefore, at all times since the transcripts were first delivered to the Library on or around April 18, 2017, the Library had a full and complete set of transcripts of the evidentiary hearings.

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

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



IAN L. SANDISON

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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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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