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EDUCATIONAL OPPORTUNITIES (“PUEO”)

**BOARD OF NATURAL RESOURCES**

**STATE OF HAWAII**

IN THE MATTER OF

The Petition Of Mauna Kea Hui for a  
Declaratory Offer Filed May 24, 2021.

Case No. HA-22-02

PERPETUATING UNIQUE EDUCATIONAL  
OPPORTUNITIES’ (“PUEO”)  
SUBSTANTIVE JOINDER TO TMT  
INTERNATIONAL OBSERVATORY LLC’S  
MEMORANDUM IN OPPOSITION TO  
MAUNA KEA HUI’S MOTION TO REOPEN  
HEARING TO HEAR MOTION TO  
CONFIRM NON-COMPLIANCE WITH  
CONDITION NO. 4, OR ALTERNATIVELY,  
PETITION FOR DECLARATORY ORDERS  
CONCERNING THE SAME, AS FILED ON  
NOVEMBER 4, 2021; CERTIFICATE OF  
SERVICE

**PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES’ (“PUEO”)  
SUBSTANTIVE JOINDER TO TMT INTERNATIONAL OBSERVATORY LLC’S  
MEMORANDUM IN OPPOSITION TO MAUNA KEA HUI’S MOTION TO REOPEN  
HEARING TO HEAR MOTION TO CONFIRM NON-COMPLIANCE WITH  
CONDITION NO. 4, OR ALTERNATIVELY, PETITION FOR DECLARATORY  
ORDERS CONCERNING THE SAME, AS FILED ON NOVEMBER 4, 2021**

PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES (“PUEO”), by and  
through their undersigned counsel, substantively joins “TMT INTERNATIONAL

Received  
Department of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
Nov 04 2021 14:51

OBSERVATORY LLC’S MEMORANDUM IN OPPOSITION TO MAUNA KEA HUI’S MOTION TO REOPEN HEARING TO HEAR MOTION TO CONFIRM NON-COMPLIANCE WITH CONDITION NO. 4, OR ALTERNATIVELY, PETITION FOR DECLARATORY ORDERS CONCERNING THE SAME” as filed on November 4, 2021, with respect to consideration by the Board of Land and Natural Resources (“BLNR”) of Petitioners MAUNA KEA ANAINA HOU, KEALOHA PISCIOTTA, CLARENCE KUKAUAKAHI CHING, DEBORAH J. WARD, PAUL K. NEVES, and KAHEA: THE HAWAIIAN ENVIRONMENTAL ALLIANCE’S (collectively “Petitioners”) unclean hands in bringing this petition forward.

On July 16, 2019, our Island of Hawai`i observed the unfortunate incitement and use of physical barriers by Petitioners and other protesters of the Thirty Meter Telescope (“TMT”), in preventing the lawful passage of heavy equipment vehicles to the site of TMT on the Mauna Kea summit. The physical barriers illegally erected on the Mauna Kea Access Road was followed by what amounted to illegal camping and the building of unpermitted structures that trespassed on land owned by the State of Hawai`i.

Despite the protestors not being *Pono* in seeking to have their concerns adjudicated and decided by a court, they openly advocated that “Hawaiians” opposed the building of the TMT during their protest that involved the chaining of *kupuna* to the Mauna Kea Access Road. The protestors sought to essentially “hijack” the Native Hawaiian population in their misguided attempt to convince others that all Native Hawaiians opposed the building of the TMT.

PUEO always has, and always will, respect the right of all persons and entities to hold their beliefs. Controversies should be decided before recognized tribunals, such as the BLNR, and not on the cold pavement of the Access Road.

However even controversies before a tribunal should not be the product of a person or a party's own making. To now cry foul based upon the unlawful actions of those involved in the physical protest is not *Pono*. Petitioners have not acted with *Ahonui*, but have instead allowed their self-righteous beliefs to wander into the realm of desperation.

Whether you support the building of TMT or not, PUEO cannot support the bringing of any claim based upon the complaining party's own doing. The government authorities on July 16, 2019 made the decision to stand down and not pursue a law enforcement resolution to the protest. The unclean hands of the protestors should not be rewarded, based on the government's actions in seeking a peaceful resolution.

PUEO appreciates the opportunity to *Pa`a ka waha* on this very important issue.

Based on the foregoing PUEO respectfully joins TMT International Observatories LLC's opposition to deny the Petition, on the basis of the unclean hands doctrine.

DATED: Hilo, Hawai`i, November 4, 2021.

TORKILDSON KATZ  
HETHERINGTON HARRIS & KNOREK  
Attorneys at Law, A Law Corporation

/s/ Lincoln S. T. Ashida  
Newton J. Chu  
Lincoln S. T. Ashida

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CERTIFICATE OF SERVICE

RE: PERPETUATING UNIQUE  
EDUCATIONAL OPPORTUNITIES'  
("PUEO") SUBSTANTIVE JOINDER TO  
TMT INTERNATIONAL OBSERVATORY  
LLC'S MEMORANDUM IN OPPOSITION  
TO MAUNA KEA HUI'S MOTION TO  
REOPEN HEARING TO HEAR MOTION TO  
CONFIRM NON-COMPLIANCE WITH  
CONDITION NO. 4, OR ALTERNATIVELY,  
PETITION FOR DECLARATORY ORDERS  
CONCERNING THE SAME, AS FILED ON  
NOVEMBER 4, 2021

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date, a true and correct copy of the above-described document was duly served upon the following, via electronic mail, as indicated below:

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DATED: Honolulu, Hawai'i, November 4, 2021.

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