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WATANABE ING LLP

A Limited Liability Law Partnership

J. DOUGLAS ING #1538-0
BRIAN A. KANG #6495-0
ROSS T. SHINYAMA #8830-0
SUMMER H. KAIawe #9599-0

First Hawaiian Center
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813
Telephone No.: (808) 544-8300
Facsimile No.: (808) 544-8399
E-mails: rshinyama@wik.com

Attorneys for
TMT INTERNATIONAL OBSERVATORY, LLC

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF

A Contested Case Hearing Re Conservation
District Use Permit (CDUP) HA-3568 for the
Thirty Meter Telescope at the Mauna Kea
Science Reserve, Kahohe Mauka, Hamakua
District, Island of Hawaii, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

**TMT INTERNATIONAL OBSERVATORY, LLC'S
SECOND AMENDED EXHIBIT LIST and
ADDITIONAL EXHIBIT C-38; CERTIFICATE OF
SERVICE**

PARTY: TMT INTERNATIONAL OBSERVATORY, LLC

Exhibit No.	Description	Received Into Evidence
C-1	Testimony of Ed Stone	
C-2	Testimony of Gary Sanders	

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OFFICE OF CONSERVATION
AND COASTAL LANDS

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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

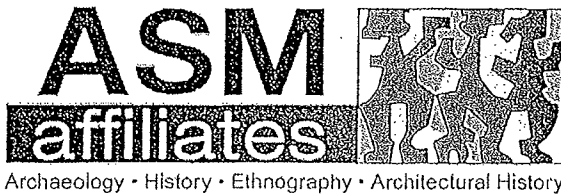
Exhibit No.	Description	Received Into Evidence
C-3	Graphic showing Mitigation Measures Reduce Size and Visibility of TMT	
C-4	Testimony of Mike Bolte	
C-5	New York Times article: From Hawaii's Mauna Kea, A Universe of Discoveries (October 3, 2016)	
C-6	Testimony of David M. Callies	
C-7	Testimony of James Hallstrom, including Curriculum Vitae	
C-8	Testimony of Dr. Heather Kaluna	
C-9	Testimony of Naea Stevens	
C-10	Direct Testimony of Amber Imai-Hong	
C-11	Testimony of Robert B. Rechtman	
C-12	Thirty Meter Telescope Archaeological Report, prepared by Genevieve Glennon and Robert Rechtman (October 2013)	
C-13	Letter to Robert Rechtman from DLNR Historic Preservation Division, approving TMT Archaeological Report (December 16, 2013)	
C-14	Thirty Meter Telescope Monitoring Report re: Groundbreaking, prepared by Samuel Plunket and Robert Rechtman (September 2014)	
C-15	Field Reconnaissance of TMT Development Site	
C-16	Updated Field Reconnaissance of TMT Development Site	
C-17	Testimony of Paul Coleman	
C-18	Aerial Graphic showing distances from cultural practice areas to proposed TMT Observatory	
C-19	Aerial Graphic showing that TMT does not block/impinge on view of Haleakala from Poli'ahu	
C-20	Graphic showing TMT and Pu'u Poli'ahu Elevation Difference	

Exhibit No.	Description	Received Into Evidence
C-21	Graphic of Pu'u Wekiu View Plane Cross-Section with Elevation – TMT Not Visible	
C-22	Graphic of Pu'u Wekiu View Plane Cross-Section – TMT Not Visible	
C-23	Graphic of Size Comparison Chart of TMT with other Telescopes	
C-24	Written Direct Testimony of Clarence Kukauakahi Ching (2011)	
C-25	Hearing Testimony of Clarence Ching (2011)	
C-26	Written Direct Testimony of E. Kalani Flores (2011)	
C-27	Hearing Testimony of E. Kalani Flores (2011)	
C-28	Written Direct Testimony of Paul K. Neves (2011)	
C-29	Hearing Testimony of Paul K. Neves (2011)	
C-30	Written Direct Testimony of Hawane Rios (2011)	
C-31	Hearing Testimony of Hawane Rios (2011)	
C-32	Written Direct Testimony of Deborah Ward (2011)	
C-33	Amendment to page 8 of Deborah Ward's Written Direct Testimony (2011)	
C-34	Hearing Testimony of Deborah Ward (2011)	
C-35	Mauna Kea Summit aerial photograph	
C-36	Mauna Kea Summit USGS Map	
C-37	Map of Honokohau Harbor Area	
C-38	8/22/2014 Letter to William Aila (DLNR) from Bob Rechtman	

DATED: Honolulu, Hawaii, December 29, 2016.

A handwritten signature in black ink, appearing to read "J. Douglas Ing", written over a horizontal line.

J. DOUGLAS ING
BRIAN A. KANG
ROSS T. SHINYAMA
SUMMER H. KAIawe
**Attorneys for TMT INTERNATIONAL
OBSERVATORY, LLC**



August 22, 2014

William J. Aila, Jr.
Chair, Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu HI, 96813

Re: Find Spot 2005.08, Thirty Meter Telescope Project, Ka'ohē, Hāmākua, Island of Hawai'i
(TMK: (3) 4-4-015:009 por.)

Dear Chairman Aila:

At the request of J. Douglas Ing on behalf of the Thirty Meter Telescope Corporation (TMT), ASM Affiliates, Inc. (ASM) installed the interim protection measures for Find Spot 2005.08 in response to your request as described in an August 4 letter (DOC NO.: 1406SN23). At a distance of 15 feet around Find Spot 2005.08 a highly visible rope and flagging tape barrier was created (Figure 1) and cautionary signs placed (Figure 2). This protection measure will stay in place until such time that you make a determination that it can be removed.

ASM was also asked to prepare an assessment of the antiquity of Find Spot 2005.08 to assist your office in determining if in fact this feature should be considered a historic property and thus under the jurisdiction of the State Historic Preservation Division, or if it is of recent origin and thus under the jurisdiction of the Kahu Kū Mauna council pursuant to provisions contained in the Mauna Kea Comprehensive Management Plan and its Cultural Resources component subplan adopted by DLNR in 2009.

Find Spot 2005.08 is located adjacent to a graded roadway (13 North Road) that was originally built in 1966 and more recently improved in 2013. This road has been repeatedly used by archaeologists (since at least 1982) to access the northern flank of the mountain during survey work; and the immediate area of Find Spot 2005.08 was a parking area for archaeologists (led by Patrick McCoy, Ph.D.) during the 1982, 1995, 1997, and 2005 fieldwork seasons. There were no archaeological features observed in the location of Find Spot 2005-08 during the 1982, 1995, or 1997 field seasons. This road was also used as an access way in 2004 when an archaeological survey was conducted in preparation for the installation of site testing equipment to test the "seeing" value and weather conditions for the potential TMT project. The equipment was situated to the northeast of the location of Find Spot 2005.08. The immediate area of Find Spot 2005.08 was within the area inspected by DLNR-SHPD archaeological staff (Mary Anne Maigret and Jeanne Knapp) and no archaeological features were observed. Find Spot 2005.08 was first identified during the 2005 archaeological fieldwork conducted within the Science Reserve (McCoy et al. 2005). It was described as two uprights (Figure 3) of modern origin. Today the feature consists of two tabular slabs that are in a fallen state (no longer upright; Figure 4); no cultural material was observed at this spot.

Based on the substantial body of earlier archaeological work that was conducted in the area of Find Spot 2005.08, it is reasonable to conclude that this feature was constructed in either 2004 or 2005, and thus would not be considered a historic property.

In an effort gain further insight into the origin of Find Spot 2005.08, Dr. Patrick McCoy was contacted about his past archaeological work in that area of the Science Reserve. He related that:

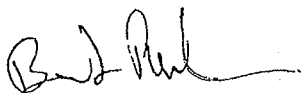
One important point about all of the surveys of the FS 2005.08 area, in 1982, 1995, 1997, and 2005, is that is where we parked our vehicles. We parked at the terminus of the 13 North Road and as far down the north slope as one could drive. I don't have a count of the actual number of days where we started out from that point and ended up there again at the end of a day, but it is substantial. And in none of the three surveys undertaken prior to 2005 did we see any uprights on the side of the road next to the parking area. And neither did Mary Anne Maignet, Jeanne Krauss [Knapp] and Bob McLaren when they inspected the area in 2004, prior to the discovery of FS 2005.08 by Dennis Gosser in 2005. The potential confusion caused by the construction of stone monuments resembling traditional structures and FS 2005.08 in particular was highlighted in a discussion on page 10-3 of Vol. 2 of the MKSR AIS. We wrote, "*The newly constructed features could in time become part of the archaeological record of the Science Reserve. One such area is the terminus of the '13 North Road,' where two single uprights were found in close proximity to the road and recently installed test telescope and other equipment. No archaeological sites have ever been found at this location in past surveys and during recent field inspections by SHPD staff archaeologists as part of the compliance process for the installation of the new equipment.*"

Dr. McCoy concludes that,

FS 2005.08 is clearly a modern construction less than 10 years old and very likely built between the time of the SHPD site inspection in 2004 and the first phase of the MKSR archaeological inventory survey in 2005. I don't know how much more precise of a timeline one could establish for features found in an archaeological survey of a region like the summit area of Mauna Kea, where stone features are constantly being built by people from all over.

Given both my conclusion and Dr. McCoy's conclusion concerning the antiquity of Find Spot 2005.08, on behalf of TMT I am seeking DLNR-SHPD concurrence that Find Spot 2005.08 is of modern origin and thus not a historic property subject to treatment under Hawai'i Administrative Rules. Should you require any further information or wish to visit the site please feel free contact me directly.

Sincerely,



Bob Rechtman, Ph.D.
Principal Archaeologist

Cc:/J. Douglas Ing; Tim Lui-Kwan

Reference Cited

McCoy, P., D. Gosser, R. Nees, and R. Yamasato

2005 Mauna Kea Science Reserve Archaeological Inventory Survey, Ka'ohe, Hāmākua, Island of Hawai'i, Interim Report No. 1. Prepared for the Office of Mauna Kea Management.



Figure 1. Find Spot 2005-08 protection barrier.

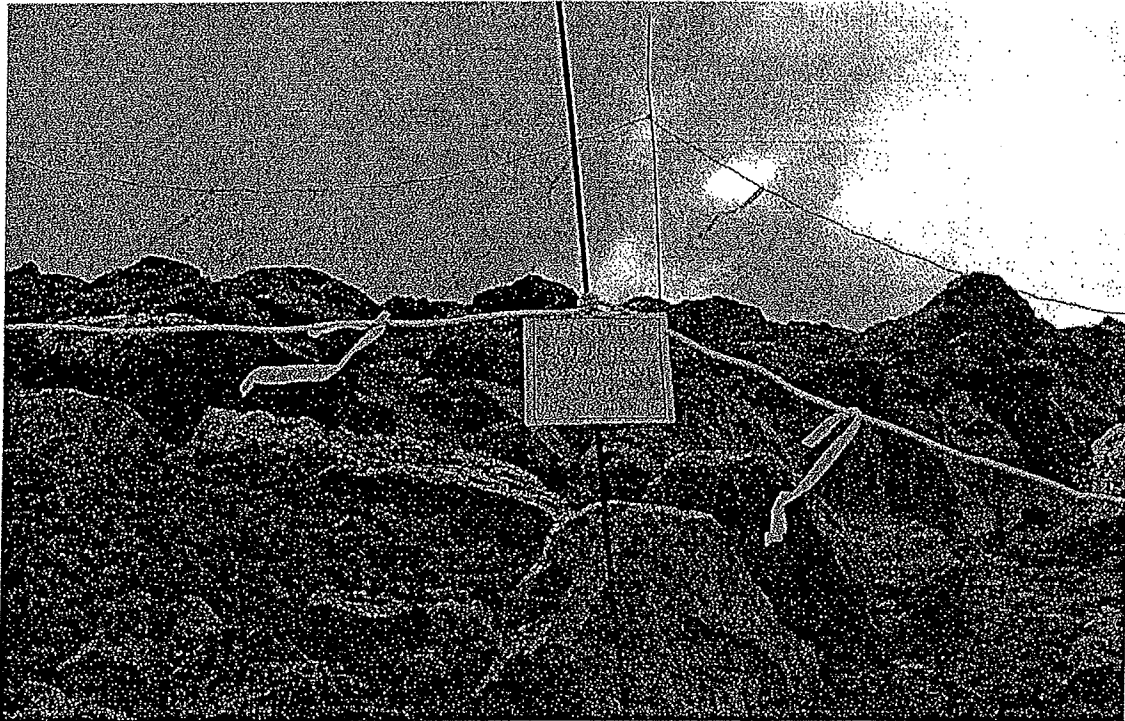


Figure 2. Cautionary sign at Find Spot 2005.08.



Figure 3. Find Spot 2005.08 as it looked in 2005.

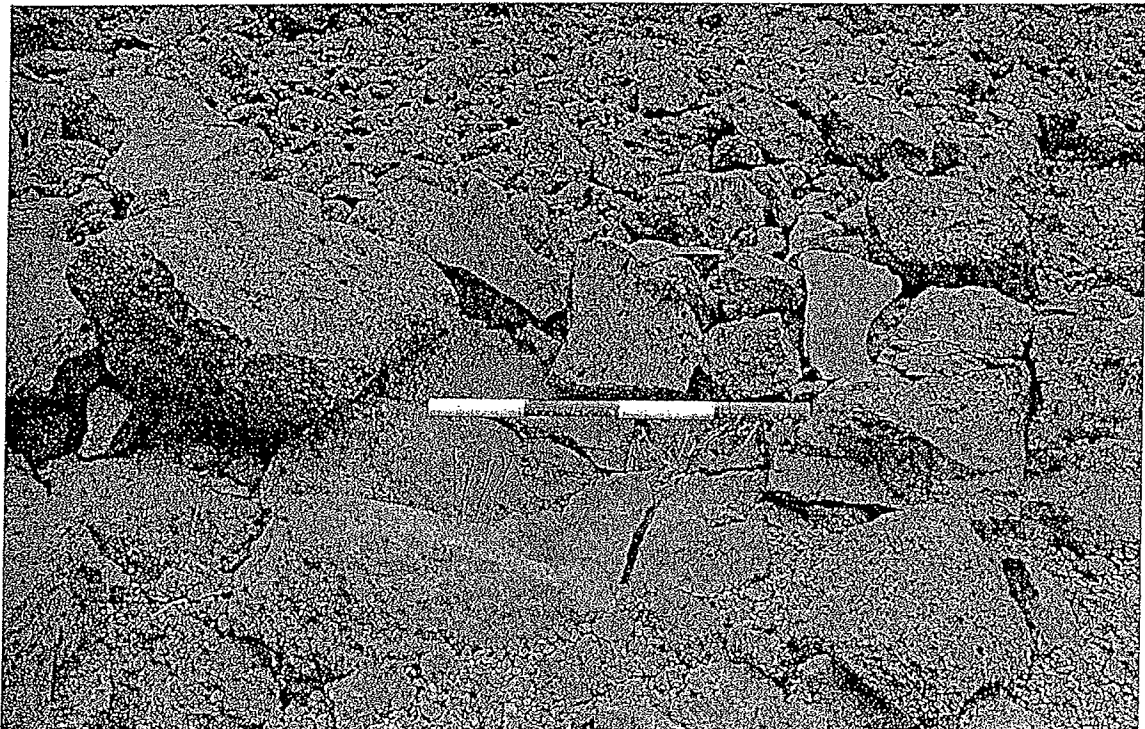


Figure 4. Current state of Find Spot 2005.08.

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BLNR Contested Case HA-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the attached document was served upon the following parties by the means indicated:

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
Custodian of the Records
(ORIGINAL + DIGITAL COPY)

Carlsmith Ball LLP
Ian Sandison, Tim Lui-Kwan, John P.
Manaut, Lindsay N. McAneeley
1001 Bishop Street
ASB Tower, Suite 2200
Honolulu, HI 96813
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
*Counsel for the Applicant University
of Hawai'i at Hilo*

Torkildson, Katz, Moore,
Hetherington & Harris
Attn: Lincoln S. T. Ashida
120 Pauahi Street, Suite 312
Hilo, HI 96720-3084
lsa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

Office of Conservation and
Coastal Lands
dlnr.maunakea@hawaii.gov

Harry Fergerstrom
P.O. Box 951
Kurtistown, HI 96760
hankhawaiian@yahoo.com
(via email & U.S. mail)

Lanny Alan Sinkin
P. O. Box 944
Hilo, HI 96721
lanny.sinkin@gmail.com
*Representative for The Temple of
Lono*

J. Leina'ala Sleightholm
P.O. Box 383035
Waikoloa, HI 96738
leinaala.mauna@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Brannon Kamahana Kealoha
89-564 Mokiawe Street
Nanakuli, HI 96792
brannonk@hawaii.edu

Mehana Kihoi
PO Box 393
Honaunau, HI 96726
uhiwai@live.com

C. M. Kaho'okahi Kanuha
77-6504 Maile St
Kailua Kona, HI 96740
Kahookahi.kukiaimauna@gmail.com

Maelani Lee
PO Box 1054
Waianae, HI 96792
maelanilee@yahoo.com

Kalikolehua Kanaele
4 Spring Street
Hilo, HI 96720
akulele@yahoo.com

Stephanie-Malia:Tabbada
P O Box 194,
Naalehu, HI 96772
s.tabbada@hawaiiantel.net

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom
[dwightjvicente@gmail.com](mailto:dwrightjvicente@gmail.com)
(via email & U.S. mail)

William Freitas
PO Box 4650
Kailua Kona, HI 96745
pohaku7@yahoo.com

Flores-Case 'Ohana
E. Kalani Flores
ekflores@hawaiiantel.net

Tiffnie Kakalia
549 E. Kahaopea St.
Hilo, HI 96720
tiffniekakalia@gmail.com

Paul K. Neves
kealiikea@yahoo.com

Kealoha Pisciotta and Mauna Kea
Anaina Hou
keomaivg@gmail.com

Deborah J. Ward
cordylinecolor@gmail.com

Cindy Freitas
PO Box 4650
Kailua Kona, HI 96745
hanahanai@hawaii.rr.com

Glen Kila
89-530 Mokiawe Street
Waianae, HI 96792
makakila@gmail.com

B. Pualani Case
puacase@hawaiiantel.net

Clarence Kukauakahi Ching
kahiwaL@cs.com

Yuklin Aluli, Esq.
415-C Uluniu Street
Kailua, Hawaii 96734
yuklin@kailualaw.com
Co-Counsel for Petitioner
KAHEA: The Hawaiian
Environmental Alliance, a domestic
non-profit Corporation

Wilma H. Holi
P.O. Box 368
Hanapepe, HI 96716
Witness for the Hearing Officer

Ivy McIntosh
3popoki@gmail.com
Witness for the Hearing Officer

Moses Kealamakia Jr.
mkealama@yahoo.com
Witness for the Hearing Officer

Patricia P. Ikeda
pheakeanila@gmail.com
Witness for the Hearing Officer

Dexter K. Kaiama, Esq.
111 Hekili Street, #A1607
Kailua, Hawaii 96734
cdexk@hotmail.com
Co-Counsel for Petitioner
KAHEA: The Hawaiian
Environmental Alliance, a domestic
non-profit Corporation

DATED: Honolulu, Hawaii, December 29, 2016.



J. DOUGLAS ING
BRIAN A. KANG
ROSS T. SHINYAMA
SUMMER H. KAIawe
Attorneys for TMT International Observatory LLC