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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF

) Case No. BLNR-CC-16-002

)

A Contested Case Hearing Re
Conservation District Use Permit
(CDUP) HA-3568 for the Thirty
Meter Telescope at the Mauna
Science Reserve, Kaohe, Mauka,
Hamakua District, Island of Hawaii

) **OPPOSITION TO ALL MOTIONS/
RECONSIDERATIONS/MINUTE ORDERS,
GRANTING THE SAME, THAT STAND IN
OPPOSITION TO ALL OF THE PARTIES
WHO HAVE STOOD IN OPPOSITION TO
THE REPRESENTATIVES OF ORGANIZ-
ATIONS WHO HAVE SUPPORTED OR
OTHERWISE AVOCATED FOR THE PER-
MIT TO CONSTRUCT THE TMT,
INCLUDING UH HILO, TMT, TIO, PUEO;
MEMORANDUM OF SUPPORT FOR THIS
DOCUMENT; MEMORANDUM OF
SUPPORT FOR ALL OF THE
MOTIONS/FILING/RECONSIDERATIONS
SUBMITTED BY PARTIES WHOM HAVE
BEEN IN OPPOSITION TO THE CDUP,
INCLUDING THE REMOVAL OF THE
HEARING OFFICE, THE DEPUTY
ATORNEY GENERAL JULIE CHINA,
REMOVAL OF CUSTODIAN OF RECORDS
MICHAEL CAIN; REMOVAL OF PUEO AS A
PARTY OF STANDING; RESERVATION OF
RIGHTS TO ENTER NEW
MOTIONS/RECONSIDERATIONS/OPPOSITI
ONS/NAMING OF WITNESSES, THE
DIRECT TESTIMONIES, AND ALTERING
THE TIMELINE FOR SUBMITTALS AND**

AGGRESSIVE TIME LINE SET FOR THE EVIDENTARY HEARING. ALL RIGHTS RESERVED TO MODIFY AS NEEDED TO PRESENT WHAT EVER NECESSARY TO HAVE FULL EXERCISE OF DUE PROCESS AND TRANSPARENCY/EQUAL FOOTING/EQUAL ACCESS TO OFFICIAL TRANSCRIPTIONS AND REMOVAL OR RECINDING OF ALL ORDERS THAT PREVENT FULL DISCLOSURE OF VITAL INFORMATION REGARDING THE OWNERSHIP AND TITLE TO THE SUMMIT OF MAUNA KEA; ALL RIGHTS RESERVED UNDER ANY CIRCUMSTANCE.

OPPOSITION TO ALL MOTIONS/RECONDISERATION/MINUTE ORDERS, GRANTING THE SAME, THAT STAND IN OPPOSITION TO ALL THE PARTIES WHO HAVE STOOD IN OPPOSITION TO THE REPRESENTATIVES OF ORGANIZATIONS WHO HAVE SUPPORTED OR OTHERWISE AVOCATED FOR THE PERMIT TO CONSTRUCT THE TMT, INCLUDING UH HILO, TMT, TIO, PUEO.

Now comes Harry Fergerstrom, party PRO POSSE SUO, that stands in opposition to everything captioned. Every motion presented by all the parties have be apparently denied or as I've come to understand, have not prevailed, and therefore the prevailing party has written up all of the Motions Granting Motion or other forms of denial.

It is clear that there is collusion happening with all those who somehow prevailed without informing the rest of us, non Attorneys, that there was some kind of contest going on with those motions and considerations that would have concluded that one party or the other PREVAILED. As a result the hearing officer has passed the responsibility of writing up the Granting of Motion or what ever term is being applied, where the proposed Motions seeking the granting of a DENIAL, was written in the future tense as if it were true that the hearings officer have read all the motions and has carefully considered all other written and oral submissions of counsel and parties related thereto, the entire record, for good cause shown. Has GRANTED SAID ORDERS.

MEMORANDUM OF SUPPORT OF THIS DOCUMENT

A memorandum of support comes now as it is clear, and can be shown by the official record, once they are produced, that this document is spot on and that others will so confer.

It really strikes deep when the Hearing Officer would stand by and even assist in the travesty of justice, an obvious breach of duty to provide an atmosphere conducive to the free exercise of DUE PROCESS rights that the SUPREME COURT has clearly mandated, free of ADMINISTRATIVE BIAS, clearly at the disadvantage of those persons who were patiently seeking to arm this hearing officer with vital information for the address of this contest over the permitting for the construction of the TMT and its support facilities including those underground storage tanks that will hold large amounts of toxic chemicals / as well as human waste that are going to be above our sacred aquifers.

MEMORANDUM OF SUPPORT FOR ALL OF THE MOTIONS / FILINGS / RECONSIDERATIONS SUBMITTED BY PARTIES WHOM HAVE BEEN IN OPPOSITION TO THE CDUP, INCLUDING THE REMOVAL OF THE HEARINGS OFFICER, THE DEPUTY ATTORNEY GENERAL JULIE CHINA, REMOVAL OF CUSTODIAN OF RECORDS MICHAEL CAIN.

THIS MEMORANDUM IS VERY CLEAR AND NEEDS NO FURTHER SUPPORT.

REMOVAL OF PUEO AS A PARTY OF STANDING.

Several parties both previously existing or the newer parties admitted, have raised question on the Standing of PUEO as a party. This hearing officer made cut off deadlines for filing of Motion and Reconsiderations and has simply ignored the obvious, that PUEO is in fact an advocacy organization Perpetuating Unique Educational Opportunities. The rules HAR 13 clearly allows for persons or organizations to avocate in the interest of their constituents. However the time for that is during a public hearing on the issuing of a permit, which was not the condition in which PUEO was admitted as a party. The rules clearly states that person perhaps unsatisfied with the out come of such a permit hearing may indicate on the day of said hearing that they wanted to contest the outcome o such hearing, to follow within ten days with a written reason for their wanting to contest. The next procedure would be a hearing with those parties applying for standing to determine if they had position different than that of the greater public and had standing to proceed.

Again very clearly, PUEO is an Organization of Advocacy Perpetuating Unique Educational Opportunities, which is a majority concensus thought out the general population and therefore has no standing to contest.

**RESERVATION OF RIGHTS TO ENTER NEW MOTION/
RECONSIDERATIONS/ OPPOSTIONS AND NAMING OF WITNESSES, THE
DIRECT TESTIMONIES, AND ALTERING THE TIMELINE FOR SUBMITTALS,
AGGRESSIVE TIME LINE SET FOR THE EVIDENTARY HEARING. ALL
RIGHTS RESERVED TO MODIFY AS NEEDED TO PRESENT WHATEVER
NECESSARY TO HAVE FULL EXERCISE OF DUE PROCESS AND
TRANSPARENCY/EQUAL FOOTING, EQUAL ACESS TO OFFICIAL
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PREVENT THE FULL DISCLOUSURE OF VITA INFORMATION REGARING
OWNERSHIP AND TITLE TO THE SUMMIT OF MAUNA KEA; ALL RIGHTS
RESERVED UNDER ANY CIRCUMSTANCE.**

The very nature of these proceeding have shown that regardless of the effort made to keep open the pipelines open of clear and transparent, this hearing have be convoluted and so off course (DUE PROCESS) that it calls for the understanding of that what is being done here to the Hawaiian as a Culture, and especially to there religious practices is with blatant disregard for the law, 1st amendment rights to Religion and free speech. That there are those foreign to these soils that contend they have the right to dictate to those of perfect title and perfect right. Now they come with stories that show criminal intent to defraud and evidence of conspirosy and collusion.

Given those thoughts expressed, need dictates that in practical sense this case is very fluid and not stagnant, like Statue, and demands careful consideration and every afford, thereby demands free exercise to the right to compel the court to move.

ALL RIGHTS RESERVED UNDER ANY CIRCUMSTANCE

Dated this day: October 14, 2016

Harry Fergerstrom-Pro Posse Suo