

Harry Fergerstrom – Party PRO POSSE SUO

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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	MOTION TO REMOVE TMT/TIO
Contested Case Hearing Re Conservative)	AS A PARTY, FOR LACK OF
District Use Application (CDUA) HA-3568 For)	STANDING, INCLUDING ANY
The Thirty Meter Telescope at the Mauna Kea)	AND ALL SUBMISSIONS INTO
Science Reserve, Ka’ohe Mauka, Hamakua,)	THE EVIDENTARY LIBRARY;
Hawaii TMK (3) 4-4-0015:009)	MEMORANDUM OF SUPPORT;
)	COS
_____)	H.O. RIKI MAY AMANO

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2016 Dec 16, 2016 11:00 am

**MOTION TO REMOVE TMT/TIO AS A PARTY, FOR LACK OF STANDING,
INCLUDING ANY AND ALL SUBMISSIONS INTO THE EVIDENTIARY LIBRARY.**

Now comes Harry Fergerstrom, party pro posse suo, with his motion to remove TMT/TIO as a party for lack of standing, including all submissions into the evidentiary library.

MEMORANDUM OF SUPPORT

On December 15, 2016, Kalani Flores, party to this contested case, went before the Circuit Court of the Third Circuit, Honorable Greg Nakamura presiding, to seek a final declaration invalidating the granting of a sublease between the University of Hawaii and the development group TMT/ TIO to construct the Thirty Meter Telescope in Area E, of the Northwestern Plateau of the Astronomy Precinct, Mauna Kea.

TMT/TIO was granted special discretionary consideration to be a party of this instant contested case based on their financial interest supported by their claim to a sublease issued by the University of Hawaii.

In light of todays invalidation of the sublease between the University of Hawaii and TMT/TIO, TMT/TIO no longer has the special discretionary condition that allowed them to proceed as a party to this contested case.

Repeating this position, TMT/TIO should be immediately removed as a party as well as all of their submission into the evidentiary library.

**CERTIFICATE OF SERVICE IS DELIVERY BY HAND ON DECEMBER 16, 2016 AT
THE CONTEDED CASE HEARING AT THE NANI LOA HOTEL.**

SIGNED: DECEMBER 15, 2016

Harry Fergerstrom