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BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re Conservation;) WILLIAM FREITAS MOTION
Use Application (CDUA) HA-3568 For the) TO ADMIT EXHIBITS AND
Thirty Meter Telescope at the Mauna Kea) WRITTEN DIRECT TESTIMONY'S
Science Reserve, Ka'ohe Mauka, Hamakua,) INTO EVIDENCE; MEMORANDUM
Hawai'i TMK(3)4-4-015:009) IN SUPPORT OF MOTION;
) CERTIFICATION OF SERVICE
)

**WILLIAM FREITAS MOTION TO ADMIT EXHIBITS
AND WRITTEN DIRECT TESTIMONY'S INTO EVIDENCE**

NOW comes William Freitas, "Petitioner", hereby submits its Motion to Admit Exhibits and Written Direct Testimony into Evidence ("Motion"). This motion is made pursuant to Hawai'i Administrative Rules 13-1-32, 34 and 35 ("HAR").

Kailua Kona, HI 02-26-2017


William Freitas Petitioner

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Hawai'i TMK(3)4-4-015:009) CERTIFICATION OF SERVICE
)

MEMORANDUM IN SUPPORT OF MOTION

On March 1, 2017, William Freitas, ("Petitioner") rested its case in the above entitled matter. Petitioner now moves to admit into evidence the written direct testimony ("WDT") of its witnesses and the exhibits introduced therein during the contested case hearing. The proposed evidence is in accordance with Hawai'i Revised Statutes ("HRS") 91-10 governing the admissibility of evidence in agency proceedings:

Except as provided in section 91-8.5, **any oral or documentary evidence may be received**, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions in accordance with reliable, probative, and substantial evidence. The agencies shall give effect to the rules of privilege recognized by law[.]

HRS 91-10(i) (emphases added). The evidence presented by Petitioner is relevant, Material, and is not privileged or unduly repetitious, and is therefore admissible under the liberal standard of the admissibility of evidence in administrative hearings. Therefore, pursuant to HRS 91-10, Petitioner moves to admit into the record the following testimony and documentary evidence:

WRITTEN DIRECT TESTIMONY

Ex No.	Description
T-1	Gregory Johnson Testimony
T-2	Ronald Susumu Fujioshi Testimony
T-3.0	William Freitas Amended Testimony

EXHIBITS

Ex No.	Description
T-1.a	Image: Sally, Greg and William
T-1.b	Image: Picture of Ku Kia'i Mauna in Distress
T-1.c	UNDRIP
T-1.d	Video: Kapu Aloha 101
T-1.e	Video: June 22, 2015 La 89.
T-1.f	Video: June 22, 2015 Ceremonies for Ahu on Propose TMT Access Road
T-1.g	Video: Emotional effects on Native Hawaiian after OMKM bulldoze Ahu o Kauakoko
T-2.a	Duke University Press "Against the Day"

T-2.b	Religious Freedom for Native Hawaiian Prisoners
T-2.4	United States Public Law 103-150
T-3.0a	Letters of acknowledgment and Validation of William Freitas in Continued traditional customary cultural practices, by Malia Kipapa, Walter Wong and Reed Flickinger
T-3.1	CMP page 1-3
T-3.2	HRS Article XII Section 7
T-3.3	HRS 711-1107 Desecration
T-3.4	FEIS page 3-8 section 3-2 Culture Resources
T-3.5	Doc.295 September 30, 2016 BLNR Disclosure of Stanly Roehrig re CDUA.
T-3.6	HAR 13-5-30(C) Conservation District Rules
T-3.a	Image: Ahu Kukia'i Mauna E Kahi
T-3.b	Image: Ahu Kukia'i Mauna E Lua
T-3.c	Image: Ahu o Kauakoko on 3. and 3.5 mile marker on access road
T-3.d	Image: Return for Ceremonies Jan. 2016
T-3.e	Image: Large Group in Ceremony at Ahu o Kauakoko at 3. and 3.5 mile marker on access road
T-3.f	Image: connected to T-3.e large group in ceremony
T-3.g	Image: Return for ceremony at Ahu on access road at propose TMT site February 2016
T-3.h	Image: Return for ceremony at Ahu on access road at propose TMT site August 2016
T-3.i	Image: Ceremony at Kiholo, "Mauna A Wakea in View"
T-3.j	Image: Hale Ku Kia'i Mauna north side across from visitor center at Hale Pohaku.
T-3.j1	Image: Documentation of Ku'ula Stone at la'aloa beach park in Kona on Alii Drive.

T-3.j2	Image: Ku'ula as it was before securing it on kahua
T-3.j3	Image: Ku'ula as it rest upon kahua in peaceful state, 800lbs
T-3.j4	Image: Hina Stone before it was placed 2000lbs
T-3.j5	Image: Kipapa Ohana, Hapai Ku'ula to its resting place
T-3.j6	Image: Placing of the Hina Stone and Kihikihi (corners)
T-3.j7	Image: William Freitas and Ku'ula
T-3.j8	Image: Ku'ula at Onikahakai, Keaukaha Hilo, Aha Kane Hale mua work shop.
T-3.j9	Image: Ahu for Hale Wa'a and Mala (garden) at Kohanaiki in Kona.
T-3.j10	Image: Kohanaiki in Kona, Hale Wa'a built by Walter Wong and William Freitas and Ohana
T-3.j11	Image: Ahu for Mala (garden) in Kalihi, Oahu at Ho'o Ulu Aina a none profit to help family's have a place to plant food. Work shop by Walter Wong and William Freitas in dry set stone setting.
T-3.j12	Image: Pohaku kukui oil, 2015 discovery while cleaning roots at ahupua'a in kona where I live.
T-3.j13	Image: Pohaku ku'i ai, 1961 I found while picking kukui with my Mom to make Ina Mona at the age of 5yrs old. 2015 my sister retured it to me as she promised my mother.

William Freitas reserves the right to supplement this motion based on additional evidence introduced during cross examination and rebuttal.

William Freitas respectfully requests that the Hearing Officer grant this Motion.

Kailua Kona, HI. 02-26-2017


William Freitas Petitioner

BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

Contested Case Hearing Re Conservation
District use Application (CDUA) HA-3568
For the Thirty Meter Telescope of the Mauna
Kea Science Reserve, Ka'ohe Mauka,
Hamakua, Hawaii, TMK (3) 4-4-015.009

BLNR Contested
Case HA-16-02 --
Document Title

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above reference document was served upon the
Following parties by the means of email and or mailed and electronically filed.

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