

Deborah J. Ward, Petitioner
P.O.Box 918
Kurtistown HI 96760

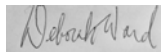
BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

<p>In the Matter of :</p> <p>A Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Kaohe Mauka, Hamakua District, Island of Hawaii, TMK ((3) 4-4-015:009</p>	<p>Case No: BLNR-CC-16-002</p> <p>DEBORAH WARD'S MOTION TO ADMIT EXHIBITS AND WRITTEN DIRECT TESTIMONY INTO EVIDENCE: MEMORANDUM IN SUPPORT OF MOTION CERTIFICATE OF SERVICE</p> <p>Hearings Officer: Honorable Riki May Amano (Retired)</p>
--	--

DEBORAH WARD'S MOTION TO ADMIT EXHIBITS AND WRITTEN DIRECT
TESTIMONY INTO EVIDENCE: MEMORANDUM IN SUPPORT OF MOTION
CERTIFICATE OF SERVICE

DEBORAH WARD, petitioner, hereby submit my Motion to Admit Exhibits and Written Direct Testimony into Evidence ("Motion"). This motion is made pursuant to Hawaii administrative rules ("HAR") 13-5-32, 34, 35.

DATED: Hilo, Hawaii 2/28/17



Deborah J. Ward, petitioner

BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

<p>In the Matter of :</p> <p>A Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Kaohe Mauka, Hamakua District, Island of Hawaii, TMK ((3) 4-4-015:009</p>	<p>Case No: BLNR-CC-16-002</p> <p>MEMORANDUM IN SUPPORT OF MOTION</p>
--	---

MEMORANDUM IN SUPPORT OF MOTION

On January 28, 2018, Deborah Ward, petitioner, rested her case in the above entitled matter. Deborah Ward now moves to admit into evidence the written direct testimony (“WDT”) of her witnesses and the exhibits introduced therein during the contested case hearing. The proposed evidence is in accordance with Hawaii Revised Statutes (HRS 91-10 governing the admissibility of evidence in agency proceedings.

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

WRITTEN DIRECT TESTIMONY

EXH. NO	DESCRIPTION
B.15a	Testimony of Laulani Teale
B.52a	Testimony of Narissa Spies
B.17a	Testimony of Deborah J Ward

EXHIBITS

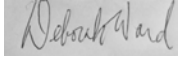
EXH. NO	DESCRIPTION
B.15b	Laulani Teale CV
B.52b	Narissa Spies CV
B.52c	Spies SACNAS article
B.52d	Spies Civil Beat article
B.17b	Deborah J Ward CV
B.17d	The Office of Hawaiian Affairs V. Sean OKeefe et al, Us District Court Civ. No. 02-00227
B.17e	1998 Legislative Auditor’s Report
B.17f	General Lease No. S-4191
B.17g	The Mauna Kea Management Plan (May 1977)
B.17h	Revised Management Plan for the UH Management Areas on Mauna Kea (1995)
B.17i	Letter, Sen. D. Inouye to d. McClain, 13 May 2008

B.17j	Follow-up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 05-13 (2014)
B.17l	Follow-up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 14-07 (2005)
B.17m	Memorandum, L. Landgraf to T. Tagawa, 21 Feb. 1974
B.17n	The Elepaio, Sept 1974
B.17o	1989 amendment to MKSRCDP
B.17p	Image wekiu habitat destruction
B.17q	Ltr stone to DLNR staff 11.5.96 re wekiu habitat destruction
B.17r	Stone 26.5.96 investigation of destruction of wekiu bug habitat
B.17s	Ltr from Stone to Wilson 29.5.96 DLNR
B.17t	Ltr to Stone from Wilson resp 25.9.96 re wekiu habitat destruction 1996
B.17u	Report to 2006 Legislature, Kudritski
B.17v	Hawaii County Water Use Development Plan West Mauna Kea Aquifer Sector
B.17w	USGS Ground Water in Hawaii
B.17x	Analysis of hydrologic structures within Mauna Kea volcano using diamond wireline core drilling
B.17y	Hawaii volcanic rock aquifer study
B.17z	Ground Water Atlas of the United States, Alaska, Hawaii, Puerto Rico and the U. S. Virgin Islands
B.17aa	Mauna Kea aquifers shallower than expected - West Hawaii Today article by Erin Miller
B.17ab	Mauna Kea and the awakening of the lahui
B.17ac	Native Hawaiians for TMT ask to join case
B.17ad	Letter: New coalition opposes those who "blunt progress"
B.17ae	Assessment of the risks for siting the Thirty Meter Telescope on Mauna Kea
B.17af	Megatelescopes look for support
B.17ag	NSF prepares for review of two giant telescopes
B.17ah	Pleading poverty, NSF delays plans for giant telescope
B.17ai	Big Telescope, Big Battles
B.17aj	Thirty Meter Telescope submits proposal for partnership with National Science Foundation
B.17ak	GSMT annual report FY 2008
B.17al	Thirty Meter Telescope gets small grant to make big plans
B.17am	Enabling a giant segmented mirror telescope for the United States astronomical community
B.17an	Important notice of access limitations to Maunakea on October 7, 2014
B.17ao	Correspondence from Hui to OMKM on road closure

Moreover, Deborah J. Ward reserves the right to supplement this motion based on additional evidence introduced during cross-examination and or rebuttal.

Based on the foregoing, Deborah J. Ward respectfully requests that the Hearing Officer grant this Motion.

Dated: Hilo, Hawaii 2/28/2017

A rectangular box containing a handwritten signature in cursive script that reads "Deborah Ward".

Deborah Ward

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 at the Mauna
Kea Science Reserve, Ka'ohē Mauka,
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
DEBORAH WARD
EXHIBIT LIST

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by the means indicated on the date noted below:

Michael Cain
dlnr.maunakea@hawaii.gov
Custodian of the Records

Carlsmith Ball LLP
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
*Counsels for the applicant University
of Hawai'i at Hilo*

Law Offices of Yuklin Aluli
yuklin@kailualaw.com
cdex@hotmail.com
Counsel for Kahea

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

Clarence Kukauakahi Ching
kahiwaL@cs.com

E. Kalani Flores
ekflores@hawaiiantel.net

B. Pualani Case
puacase@hawaiiantel.net

Deborah J. Ward
cordylinecolor@gmail.com

Paul K. Neves
kealiikea@yahoo.com

Watanabe Ing LLP
rshinyama@wik.com
douging@wik.com
*Counsels for TMT International
Observatory, LLC*

Harry Fergerstrom
P.O. Box 951
Kurtistown, HI 96760

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi.kukiaimauna@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore, Hetherington
& Harris
lsa@torkildson.com
njc@torkildson.com
*Counsels for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leinaala.mauna@gmail.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
brannonk@hawaii.edu

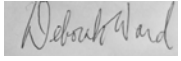
Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

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

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

Dated: Hilo, Hawaii 2/28/2017

A rectangular box containing a handwritten signature in cursive script that reads "Deborah Ward".

Deborah Ward