

William Freitas
P.O. 4650
Kailua Kona HI 96745
pohaku7@yahoo.com

BOARD OF LAND AND NATURAL RESOURCES

FOR THE STATE OF HAWAI'I

IN THE MATTER OF) Case No. BLNR-CC-16-002
) WILLIAM FREITAS FIRST
) SUPPLEMENTAL AND
A Contested Case Hearing Re Conservation;) AMENDED 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'ohē Mauka, Hamakua,) INTO EVIDENCE; MEMORANDUM
Hawai'i TMK(3)4-4-015:009) IN SUPPORT OF MOTION;
) CERTIFICATION OF SERVICE
_____)

**WILLIAM FREITAS FIRST SUPPLEMENTAL AND AMENDED 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 March 5, 2017


William Freitas Petitioner

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A Contested Case Hearing Re Conservation;) MEMORANDUM IN
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Thirty Meter Telescope at the Mauna Kea)
Science Reserve, Ka'ohē Mauka, Hamakua,)
Hawai'i TMK(3)4-4-015:009) CERTIFICATION OF SERVICE
)

MEMORANDUM IN SUPPORT OF MOTION

On March 2, 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:

EXHIBITS

Ex No.	Description
T-3.k	Request to Access A Government Record
T-3.k1	Video: IMG_5297 Copy

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. March 5, 2017


William Freitas Petitioner

DAVE M. LOUIE, ESQ.
CLIFFORD K. HIGA, ESQ.
NICHOLAS R. MONLUX, ESQ.
Kobayashi Sugita & Goda, LLP
dml@ksglaw.com
ckh@ksglaw.com
nrm@ksglaw.com
*Special Deputy Attorneys General for
ATTORNEY GENERAL DOUGLAS S. CHIN,
THE DEPARTMENT OF THE ATTORNEY
GENERAL, and DEPUTY ATTORNEYS
GENERAL IN THEIR CAPACITY AS
COUNSEL FOR THE BOARD OF LAND AND
NATURAL RESOURCES and HEARING
OFFICER*

J. DOUGLAS ING, ESQ.
douging@wik.com
ROSS T. SHINYAMA, ESQ.
rshinyama@wik.com
SUMMER H. KAIawe, ESQ.
skaiawe@wik.com
Watanabe Ing LLP
*Counsel for TMT INTERNATIONAL
OBSERVATORY, LLC*

JOSEPH KUALII LINDSEY CAMARA
kualiic@hotmail.com

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

WILLIAM FREITAS
pohaku7@yahoo.com

TIFFNIE KAKALIA
tiffniekakalia@gmail.com

BRANNON KAMAHANA KEALOHA
brannonk@hawaii.edu

WILLIAM J. WYNHOFF, ESQ.
Deputy Attorney General
bill.j.wynhoff@hawaii.gov
*Counsel for the BOARD OF LAND AND
NATURAL RESOURCES*

MICHAEL CAIN
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
*Custodian of the Records
(original + digital copy)*

LINCOLN S.T. ASHIDA, ESQ.
lsa@torkildson.com
NEWTON J. CHU, ESQ.
njc@torkildson.com
Torkildson, Katz, Moore, Hetherington &
Harris
*Counsel for PERPETUATING UNIQUE
EDUCATIONAL OPPORTUNITIES (PUEO)*

DWIGHT J. VICENTE
2608 Ainaola Drive
Hilo, HI 96720-3538
dwrightjvicente@gmail.com
(via email & U.S. mail)

RICHARD L. DELEON
kekaukike@msn.com
MOSES KEALAMAKIA JR.
mkealama@yahoo.com
Witness for the Hearing Officer

CINDY FREITAS
hanahanai@hawaii.rr.com

C. M. KAHO'OKAHI KANUHA
kahookahi.kukiaimauna@gmail.com

KALIKOLEHUA KANAELE
akulele@yahoo.com

Name: William Freitas

Date: March 5, 2017