

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 |
| |) |
| A Contested Case Hearing Re Conservation; |) WILLIAM FREITAS SECOND |
| Use Application (CDUA) HA-3568 For the |) SUPPLEMENTAL MOTION |
| Thirty Meter Telescope at the Mauna Kea |) TO ADMIT EXHIBITS AND |
| Science Reserve, Ka'ohe Mauka, Hamakua, |) WRITTEN DIRECT TESTIMONY'S |
| Hawai'i TMK(3)4-4-015:009 |) INTO EVIDENCE; MEMORANDUM |
| |) IN SUPPORT OF MOTION; |
| |) CERTIFICATION OF SERVICE |
| |) |

**WILLIAM FREITAS SECOND SUPPLEMENTAL 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 8, 2017


William Freitas Petitioner TDC

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 March 8 11:37 am

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

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; |) MEMORANDUM IN |
| Use Application (CDUA) HA-3568 For the |) SUPPORT OF MOTION |
| Thirty Meter Telescope at the Mauna Kea |) |
| Science Reserve, Ka'ohe 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.k2 | Request to Access A Government Record |
| T-3.k3 | Pictures of Desecration to Hale Ku Kia'I Mauna (Litter Sanitation) |

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 8, 2017


William Freitas Petitioner