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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
) Clarification of items identified
A Contested Case Hearing Re) as evidentiary submittals under
Conservation District Use Permit) letter "D" to be moved into
(CDUP) HA-3568 for the Thirty) evidence (Doc. 494); memo of
Meter Telescope at the Mauna) support; COS
Science Reserve, Kaohe, Mauka,)
Hamakua District, Island of Hawaii) Hearings Officer: Riki M. Amano

Clarification of items identified as evidentiary submittals under the letter "D" to be moved into evidence (Doc 494).

1. Pre-hearing Statement
2. Final Witness ILst
3. D-1 Testimony of Michael Lee
4. D-3 Burial registration form (SHPD)
5. D-4 Scan (burial location near the access road)
6. Opposition to All Motions
7. Notice of Resubmittal (D-5,D6)
8. D-5 Notice of Trespass (10-7-14) (Hawaiian Kingdom Property)
9. D-6 Scan (photo of TMT representatives and Stephanie Nagata receiving/

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 March 18 9:42 pm

posing with Notice of Trespass dated: 10-7-14)

10. Amendments to exhibits of Michael Lee (Archived Land Commission Award

Registration with Map of location)

11. WDT of Harry Fergerstrom (dated 11-15-16 after reentry from 10-15-16)

12. Opposition to UH confirmation of exhibits and WDT to be entered into evidence; Motion to Recall Perry White (dated 12-7-16)

*Note: Exhibit D-2 Testimony of Williamson B. C. Chang **IS NOT** to be admitted as evidence but remain as an Exhibit (Appeal filing of record) challenging ownership and title.*

Memorandum of Support

The purpose of this clarification of the items under the letter “D” became necessary as I have read the objections of University of Hawaii (UH) and those of Thirty Meter Telescope International Observatory (TIO) stating that my Motion to move all documents in evidentiary submittals into evidence (Doc 494) did not separate individual submissions and exhibits.

A quick look into the evidentiary submittals under Harry Fergerstrom letter “D” shows that the way those submittals were placed, did not separate each item by an exhibit number.

For this reason I thought that entering the all the documents into evidence would be correct with the clear exception of the testimony of Williamson

Chang, that would not be placed in evidence, but retained as an exhibit for purposes of appeal.

However, this clarification should help clear up any confusion as there are 13 submissions in the evidentiary submissions file.

All of these entries in the evidentiary submission file can be verified by the folders that were required on October 15, 2016.

COS attached.

Dated this day: March 18, 2017

Harry Fergerstrom
Party- Pro Posse Suo