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BOARD OF LAND AND NATURAL RESOURCES

- STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
) Opposition to TMT International
A Contested Case Hearing Re) Observatory Opposition to
Conservation District Use Permit) Motions Admit Exhibits and
(CDUP) HA-3568 for the Thirty) Written Direct Testimonies
Meter Telescope at the Mauna) (Doc 511) Memorandum of
Science Reserve, Kaohe, Mauka,) Support; COS
Hamakua District, Island of Hawaii) Hearings Officer: Riki M. Amano

**OPPOSITION TO TMT INTERNATIONAL'S OBSERVATORY
OPPOSITION TO MOTIONS TO ADMIT EXHIBITS AND WRITTEN
DIRECT TESTIMONIES (DOC 511)**

Harry Fergerstrom stands in opposition to the TMT
INTERNATIONAL'S OBSERVATORY Opposition to Admit Exhibits
and Written Direct Testimonies (Doc 511). The TMT
INTERNATIONAL OBSERVATORY is attempting to nullify some 76
exhibits entered by several different petitioners in such a blanket
manner that it does give not enough information to understand their
objections. Why the University of Hawaii did not make their objections

known during the evidentiary hearing shows the lack concern for quality of information, which was the purpose of the evidentiary hearing in the first place.

The TMT INTERNATIONAL OBSERVATORY makes claims that, in most part, either is Immaterial, irrelevant, unduly repetitious.

Irrelevant, immaterial, ***according to who.***

This entire Contested case is designed to gather information necessary to determine what are the conditions to consider regarding the whole of Mauna Kea in respect to not only the proposed development of TMT but the effect it does have, has had, and will have regarding not only the environment but the Constitutionally protected rights of the Hawaiian People who revere Mauna Kea as Temple, a place of worship, an abode of their Gods.

Everything said and brought out in testimony by the petitioners is most certainly relevant, material and needs to be repetitious as these factors are the one's being ignored even minimized WHILE BEING CONSTITUTIONALLY PROTECTED RIGHTS OF THE HAWAIIAN PEOPLE as codified in Article 12 sec 7 of the Hawaii State Constitution.

MEMORANDUM OF SUPPORT

The TMT INTERNATIONAL OBSERVATORY is placing undue hardship and burden not only on the Petitioners but also on the Hearing Officer. The petitioners were reliant on the information given by the Hearing officer, that she did not expect to see objection to items being move into evidence. The Hearing Office has stated many times that she expected that all submittals would be put into evidence and weighed according to substance.

We the petitioners relied (to our Determent?) on the hearing officers plans which were 1) that by motion, Items are admitted into evidence by March 9th and that 2) objections were to be made by March 16th, which she predicted would not be many as she was going to let it all in with the exceptions of those who either did not testify or cross-examined and that March 23rd would be the date for her determination as to what would be accepted as evidence.

Now faced with this abusive and excessive arguments raised by the TMT INTERNATIONAL OBSERVATORY with no time allotted for hearing on the motion to oppositions to entries into evidence nor any

time allotted for reconsiderations or other remedies that may be available.

If the hearing officers plans are not adhered to, then this creates an enormous burden on the Hearings Officer who would have to unravel this unpredicted mess with massive oppositions to almost everything that had been presented at the evidentiary hearing. This could only be achieved after the transcripts are made available to all parties and hearing on every motion in objection would have to be scheduled and hear as well as time to hear reconsideration, another review of those new transcript.

No doubt this is a mess. It create undue burden on the Hearing office and each of the petitioner and certainly interferes with the ability to render actual Finding of Fact and Conclusions of Law.

I reserve all rights to adjust to the circumstances presented in this mass objections and reserve all rights to respond in a meaningful manner, and waive no rights whatsoever.

Dated this day 3-21-17

Harry Fergstrom
Party- Pro Posse Suo