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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservative)	Opposition to the University's
District Use Application (CDUA) HA-3568 For)	of Hawaii confirmation of exhibits
The Thirty Meter Telescope at the Mauna Kea)	and direct written testimonies of
Science Reserve, Ka'ohe Mauka, Hamakua,)	witnesses to be entered into
Hawaii TMK (3) 4-4-0015:009)	evidence; Memorandum of
)	support; Motion to recall Mr.
_____)	Perry White; COS
)	Hearings officer Riki May Amano

OPPOSITION TO THE UNIVERSITY OF HAWAII'S CONFIRMATION OF EXHIBITS AND DIRECT WRITTEN TESTIMONIES TO BE ENTERED INTO EVIDENCE.

Mr. Fergerstrom stands in opposition to the University of Hawaii's confirmation of exhibits and direct written testimonies (WITNESSES) to be entered into evidence.

This confirmation is premature as several of the Universities witnesses have yet to be called and no opportunity as yet to cross examine those witnesses.

MEMORANDUM OF SUPPORT

These evidentiary hearing did not get under way until the 20th of October. Mr Perry J. White was the first witness that was called by the University of Hawaii. It was brought to the attention of the hearing officer that myself, Harry Fergerstrom, and Mr Vincente were reliant upon the US Mail for written copies of all communications exchanged and therefore had not received the documents that were to be referred to in the direct written testimony of Mr. Perry White. On October 21, 2016 this hearing officer demanded that hard copies of all exhibits that were going to be presented by the University of Hawaii must be provided to both myself, and Mr. Vincente.

In the afternoon of Monday the 24th of October, just after Mr. Fergerstrom's opportunity to cross examine Mr. White, did the necessary written material regarding the offering of the University's Direct Written Testimonies and it accompanying exhibits get presented to Mr. Fergerstrom and Mr. Vincente.

It was obvious that until this time Mr. Fergerstrom did not have access to this information and did not have an opportunity to prepare for his cross examination of Mr. White.

Mr. Fergerstrom as well as Mr. Vincente both reserved their right to cross examination of witness Perry J. White once they had an opportunity to examine some seven thousand pages of exhibits that were just presented to them the afternoon of October 24, 2016.

MOTION TO RECALL MR. PERRY J. WHITE

Now comes Mr Fergerstrom's Motion to Recall Mr. Perry j. White. Details and support is captured in the above memorandum of support.

CERTIFICATE OF SERVICE ATTACHED

DATED: DECEMBER 4, 2016


HARRY FERGERSTROM

Board of Land and Natural Resources
State of Hawaii

IN THE MATTER OF) CASE NO. BLNR CC-16-002
)
Contested Case Hearing Re Conservation) CERTIFICATE OF SERVICE
District Use Application (CDUA) HA-3568 for)
The THIRTY METER TELESCOPE at the)
Mauna Kea Science Reserve, Ka'ohe Mauka,)
Hamakua, Hawaii, TMK (3) 4-4-013;009)
)

CERTIFICATE OF SERVICE

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The undersigned certifies that the above-referenced document was served upon the following parties by email or by US Mail on Dec. 5, 2016

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