

Cindy Freitas
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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;) **CINDY FREITAS SECOND**
Use Application (CDUA) HA-3568 For the) **SUPPLEMENTAL WITNESS**
Thirty Meter Telescope at the Mauna Kea) **LIST;**
Science Reserve, Ka'ohē Mauka, Hamakua,) **CERTIFICATE OF SERVICE**
Hawai'i TMK(3)4-4-015:009)
)
)
_____)

CINDY FREITAS SECOND SUPPLEMENTAL WITNESS LIST

I Cindy Freitas, "Petitioner" submits its Second Supplemental Witness List.

Name	Subject Matter
Nanci Munroe	Substantial Impact of Proposed TMT Project

Kailua Kona HI. October 23, 2016


Cindy Freitas Petitioner

Cindy Freitas
P.O. 4650
Kailua Kona HI 96745
hanahanai@hawaii.rr.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;) **CINDY FREITAS SECOND**
Use Application (CDUA) HA-3568 For the) **SUPPLEMENTAL EXHIBIT**
Thirty Meter Telescope at the Mauna Kea) **S-7, S-8, S-9, S-10, S-11, S-12**
Science Reserve, Ka'ohe Mauka, Hamakua,) **AND S-13;**
Hawai'i TMK(3)4-4-015:009) **CERTIFICATE OF SERVICE**
))
_____)

CINDY FREITAS SECOND SUPPLEMENTAL EXHIBIT
S-7, S-8, S-9, S-10, S-11, S-12 AND S-13

Cindy Freitas. "Petitioner", hereby submits its Second supplemental Exhibit S-7, S-8, S-9, S-10, S-11, S-12 and S-13.

Ex No.	Description
S-7	Image: Concrete in the ground with a PVC pipe; August 13, 2016
S-8	Image: Concrete in the ground with a PVC pipe; August 13, 2016
S-9	Image: Oil Spill by Machines; 2015
S-10	Image: Oil Spill by Machines; 2015
S-11	Image Oil Spill on Machine; 2015

S-12	Image: Oil Spill on Machine; 2015
S-13	Minute Order No. 39 (Order Voiding Permit); October 14, 2016
S-14	Nanci Munroe Written Direct Testimony
S-15	Letter of Complaint to DLNR on June 23, 2015
S-16	Letter of Complaint to khon 2.com on June 22, 2015

Kailua Kona HI. October 23, 2016



Cindy Freitas Petitioner



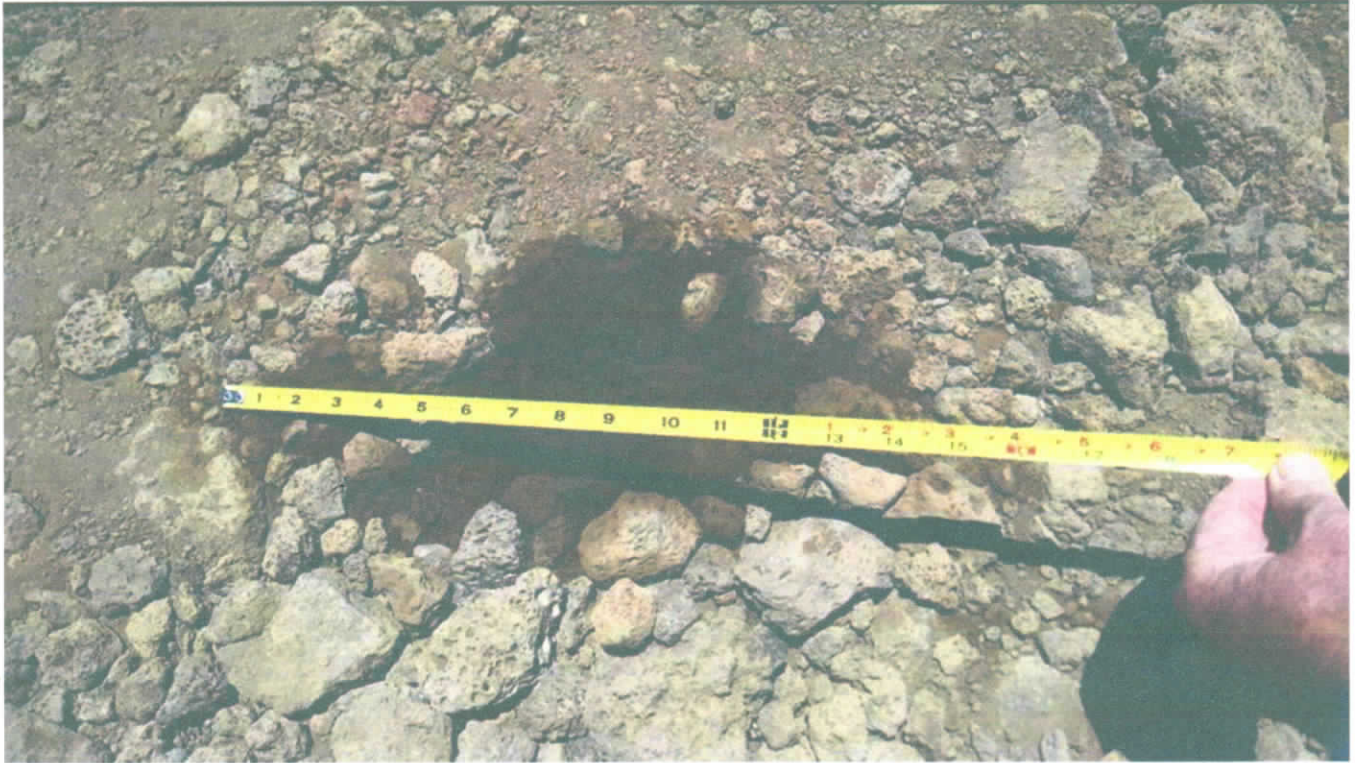
S-7



S-8

Cindy Freitas

From: "Nanci Munroe" <kahaluunanci@yahoo.com>
Date: Monday, October 10, 2016 1:37 PM
To: <hanahanai@hawaii.rr.com>
Cc: "Nanci Munroe" <kahaluunanci@yahoo.com>
Subject: Oil spill on the road #2



[Sent from Yahoo Mail on Android](#)

S-9

Cindy Freitas

From: "Nanci Munroe" <kahaluunanci@yahoo.com>
Date: Monday, October 10, 2016 1:23 PM
To: <hanahanai@hawaii.rr.com>
Cc: "Nanci Munroe" <kahaluunanci@yahoo.com>
Subject: Oil leak #4



[Sent from Yahoo Mail on Android](#)

S-10



S-11



S-12

10/18/2016

STATE OF HAWAI'I

IN THE MATTER OF)
)
Contested Case Hearing Re Conservation District)
Use Application (CDUA) HA-3568 for the)
Thirty Meter Telescope at the Mauna Kea Science)
Reserve, Ka'ohe Mauka, Hamakua, Hawai'i)
TMK (3) 4-4-015:009)
)
)
)

2016 OCT 14 P 3:30
Case No. BLNR-CC-16-002
DEPT. OF LAND & NATURAL RESOURCES
**MINUTE ORDER NO. 36
(ORDER VOIDING PERMIT); CERTIFICATE OF SERVICE**

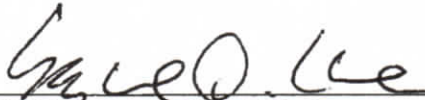
MINUTE ORDER NO. 36 (ORDER VOIDING PERMIT)

The Hawai'i Supreme Court recently issued its decision in *Kilakila 'O Haleakala v. Bd. of Land & Nat. Res.*, SCWC-13-0003065, 2016 WL 584921 (Haw. October 6, 2016). *Kilakila* concerned a conservation district use permit for construction of the Advanced Technology Solar Telescope on the island of Maui, at the summit of Haleakala. *Kilakila* makes it clear that voiding the permit that was approved by the Board of Land and Natural Resources (Board) prior to holding a contested case hearing is an important factor in meeting procedural due process requirements.

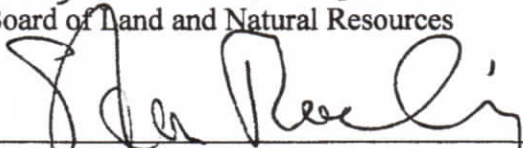
Following the Hawai'i Supreme Court's decision in *Mauna Kea Anaina Hou v. Bd. of Land & Nat. Res.*, 136 Hawai'i 376, 399, 363 P.3d 224, 247 (2015), the Board initiated a new contested case hearing with the understanding that conservation district use permit HA-3568, approved by the Board in February 2011, before the contested case hearing, and in April 2013, after the contested case hearing, was voided by the Supreme Court in its decision. No party has ever claimed that the permit is not void. However, in an over abundance of caution and to make sure the record is clear, the Board now declares and affirms that conservation district use permit HA-3568 is void.

This order may be executed in counterparts.

DATED: Honolulu, Hawai'i, October __, 2016.



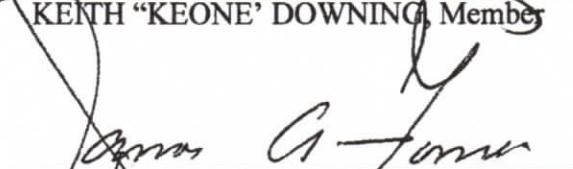
SUZANNE D. CASE, Chairperson
Board of Land and Natural Resources



STANLEY H. ROHRIG, Member



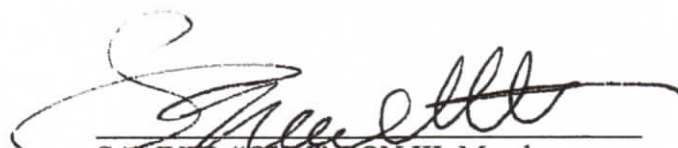
KENTH "KEONE" DOWNING, Member




JAMES A. GOMES, Member



THOMAS OI, Member



SAMUEL "OHU" GON III, Member



CHRISTOPHER YUEN, Member

Nanci Munroe Direct Witness Testimony

Witness testimony of Nanci Munroe of evidence of oily substance leaking from machinery at the site of the TMT Access Road in May & June of 2016

On approximately April 14, 2015 I joined other protectors of Mauna A Wakea at Hale Pohaku in anticipation of resumption of work for the Thirty Meter Telescope project. I began to document activities on the Mauna with my cell phone and shared on social media almost daily. I began a routine of regular site visits with others on Monday mornings to the location of the TMT Access Road to monitor any activity for which we may have been unaware of during the previous week. As security guards were always on duty at the top of the TMT Access Road, we would hike beyond the construction zone delineated by stanchions & wire in order to view the equipment which had remained there from the initial attempts to create the road. There were two excavators & two bulldozers on the new TMT Access Road, and I was able to photograph each of these pieces of machinery with evidence of some type of dark, apparently liquid substance leaking from each of them. In addition, there was a large tractor-trailer type of rig on one of the Mauna Kea roads from which the Access Road began which had 2 very large "oil leaks" nearby. It is unknown what type of liquid was leaking from the equipment, whether it was some type of motor oil, transmission oil, or some other oil used in heavy machinery, I refer to them as "oil leaks". The four machines on the TMT Access Road each had some type of absorbent pad, or pads, held down with loose rocks, which to me would be best described as looking like training pads for puppies, or incontinence pads used on beds for medical patients. On at least one bulldozer, the pad had been blown loose to the point that it was no longer effective in catching the oil, which then leaked onto the ground. One at least one bulldozer there were pads above the 'tractor' treads as well as below, indicating that the volume of leakage was more than what the upper pad could absorb, so an additional pad was required below. Under one of the excavators was some type of rectangular yellow tray which appeared to me to be similar to what may be used to drain oil into from an automobile during a regular oil change.

At a BLNR hearing on the TMT in Honolulu on June 12, 2015 I was informed by way of Facebook message that my photographs had been shown, and they were very interested in them. A news crew from KHON was at the hearing and requested more photographs, which I provided to them, which were then aired that evening.

During a subsequent visit to the TMT Access Road I discovered that the 2 large oil spills on the Mauna Kea road on which the tractor-trailer rig was parked had been disturbed in a manner that appeared that somebody had kicked rocks & dirt over them and attempted to scrape the darker soil away, or perhaps scatter it.

During a discussion with my cousin I was advised about Best Management Practices which require drip-control measures to be used by J. W. Glover during work on Highway 11 near Hakalau. I visited this location and took photographs and discussed the procedures with employees at the site. Any equipment not in use must be parked on 2 different types of materials layered on top of each other to prevent any viscous fluids

from being allowed to be leaked into the environment. This is NOT being used at Mauna A Wakea, which results in fluids being allowed to drip onto & into the soil, which will eventually find its way into the aquifer which provides water to the community.

I have provided copies of the photographs which show machinery with leaks, as well as a YouTube video showing me attempting to collect a soil sample from the 2 large oil leaks near the tractor-trailer rig on the Mauna Kea Road, to Cindy Freitas, a party to the Contested Case Hearing regarding the application for a Conservation District Use Application.

Most sincerely,

Nanci Munroe
kahaluunanci@yahoo.com
808-223-3359

cindy freitas

From: "Nanci Munroe" <kahaluunanci@yahoo.com>
Date: Sunday, October 23, 2016 6:45 PM
To: <hanahanai@hawaii.rr.com>
Subject: Fw: Formal Complaint: Violation of Conservation District use at Mauna A Wakea

Aloha Cindy,

Here's a complaint I sent last year to DLNR. I never received a reply.

Mahalo, Nanci

----- Forwarded Message -----

From: Nanci Munroe <kahaluunanci@yahoo.com>
To: "dlnr@hawaii.gov" <dlnr@hawaii.gov>
Cc: "news@khon2.com" <news@khon2.com>
Sent: Tuesday, June 23, 2015 2:28 PM
Subject: Formal Complaint: Violation of Conservation District use at Mauna A Wakea

Aloha,

I am filing a formal complaint that a violation has occurred in University of Hawai'i at Hilo, (UHH) granting a lease for any telescopes at the top of Mauna A Wakea in regards to the following which is taken directly from a document found on the DLNR website:
<http://dlnr.hawaii.gov/occl/rules/>

HAR Title 13, Chapter 5:

[183C-1] Findings and purpose. The legislature finds that lands within the state land use conservation district contain important natural resources essential to the preservation of the State's fragile natural ecosystems and the sustainability of the State's water supply. It is therefore, the intent of the legislature to conserve, protect, and preserve the important natural resources of the State through appropriate management and use to promote their long—term sustainability and the public health, safety and welfare. [L 1994, c 270, pt of §1]

In particular, the violation is the last portion of the above: "...to promote their long—term sustainability and the public health, safety and welfare."

The building of telescopes does not do any of the above. The purported purpose of all of the telescopes is for advancement of mankind, however this is done at a detriment to the long-term sustainability of the Mauna and also to the public health, safety and welfare. I contend that the variances granted to the TMT Corporation is in violation of these rules.

In addition, each piece of heavy equipment at the construction site is leaking oil and not in compliance with state BMP's (Best Management Practices by NOT having DP (Drip Protection) beneath each piece of equipment parked when not in use. Please see the attached photos, 3 of which show oil leaking on Mauna A Wakea due to Goodfellow Brothers equipment, and the fourth photo is Jas Glover equipment at Hakalau which is parked on DP according to state BMP's.

Therefore, I make 2 complaints to your office today:

- 1) violation of Conservation District lands by the TMT Corporation and UHH
- 2) violation of Goodfellow Brothers, the TMT Corporation and UHH in allowing oil to be leaked on Conservation District lands

Please reply to this e-mail directly, or contact me by phone at 808-223-3359.

Mahalo, Nanci Munroe

S-15

10/23/2016

Cindy Freitas

From: "Nanci Munroe" <kahaluunanci@yahoo.com>
Date: Sunday, October 23, 2016 6:47 PM
To: <hanahanai@hawaii.rr.com>
Attach: IMG_20150618_080021110.jpg
Subject: Fw: Oil leak mitigation in place for Glover equipment

Aloha Cindy,

Here's a complaint I made to KHON as well as a photo I attached.

Mahalo, Nanci

----- Forwarded Message -----

From: Nanci Munroe <kahaluunanci@yahoo.com>
To: "news@khon2.com" <news@khon2.com>
Sent: Monday, June 22, 2015 3:29 PM
Subject: Oil leak mitigation in place for Glover equipment

Aloha,

Please call me to confirm receipt of this message at 223-3359.

On June 11 I emailed a series of photos showing leaking heavy machinery at the construction site of the TMT. My cousin who works for Jas Glover Construction here on the Big Island told me they are required by the state to use DP, Drip Protection, when parking equipment, in accordance with BMP's, Best Management Practices as regulated by the state. Why is Goodfellow Bros. NOT following the BMP's?

I have more pics of Glover equipment.

Mahalo, Nanci Munroe

[Sent from Yahoo Mail on Android](#)

S-16

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568
for the Thirty Meter Telescope at the Mauna
Kea Science Reserve, Ka'ohe Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title:

Cindy Freitas

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated on October 10, 2016:

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Co-Counsel for Petitioner
KAHEA: The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

Signature:  TDC
Name: Cindy Pritas
Date: 10/23/16