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BOARD OF LAND AND NATURAL RESOURCES
FOR THE STATE OF HAWAI'I

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
) CINDY FREITAS FIRST
A Contested Case Hearing Re Conservation;) SUPPLEMENTAL MOTION
Use Application (CDUA) HA-3568 For the) TO ADMIT EXHIBITS AND
Thirty Meter Telescope at the Mauna Kea) WRITTEN DIRECT TESTIMONY
Science Reserve, Ka'oho Mauka, Hamakua,) INTO EVIDENCE; MEMORANDUM
Hawai'i TMK(3)4-4-015:009) IN SUPPORT OF MOTION;
) CERTIFICATION OF SERVICE
)

**CINDY FREITAS FIRST SUPPLEMENTAL MOTION TO ADMIT EXHIBITS
AND WRITTEN AND WRITTEN DIRECT TESTIMONY INTO EVIDENCE**

Cindy 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 4 2017


Cindy Freitas Petitioner

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IN THE MATTER OF) Case No. BLNR-CC-16-002
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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 February 21, 2017, Cindy 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:

EXHIBIT

Ex No.	Description
S-18L 1	Hydrologic and Ecologic Inventories of the Coastal Water of West Hawaii
S-32	Errata Re: Cindy Freitas Correction on Cross Examination

Cindy Freitas, (“Petitioner”) reserves the right to supplement this motion based on additional evidence introduced during cross-examination and/or rebuttal.

Petitioner respectfully requests that the Hearing Officer grant this Motion.

Kailua Kona, HI. March 4 2017


Cindy Freitas Petitioner

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 of the Mauna
Kea Science Reserve, Ka'ohe Mauka,
Hamakua, Hawaii, TMK (3) 4-4-015.009

BLNR Contested
Case HA-16-02
Document Title

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above reference document was served upon the
Following parties by the means of email and or mailed and electronically filed.

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