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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  
)  
) 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'ohē Mauka, Hamakua, ) INTO EVIDENCE; MEMORANDUM  
Hawaii'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 Hawaii's Administrative Rules 13-1-32, 34 and 35 ("HAR").

Kailua Kona, HI March 4 2017

  
Cindy Freitas Petitioner

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\_\_\_\_\_)

**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



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