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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
)
A Contested Case Hearing Re Conservation;) CINDY FREITAS MEMORANDUM IN
Use Application (CDUA) HA-3568 For the) OPPOSITION TO APPLICANT
Thirty Meter Telescope at the Mauna Kea) UNIVERSITY OF HAWAI'I AT
Science Reserve, Ka'ohē Mauka, Hamakua,) HILO'S MOTION TO RECONSIDER
Hawai'i TMK(3)4-4-015:009) MINUTE ORDER NO. 44 (DOC. 553)
) FILED APRIL 27, 2017; COS
)

CINDY FREITAS MEMORANDUM IN OPPOSITION TO APPLICANT
UNIVERSITY OF HAWAI'I AT HILO'S MOTION TO
RECONSIDER MINUTE ORDER NO. 44 (DOC. 553) FILED
APRIL 27, 2017

I Cindy Freitas, ("Petitioner") hereby submits this memorandum in opposition to Applicant University of Hawai'i at Hilo's ("UHH") Motion to Reconsider Minute Order No. 44 (DOC. 553) filed April 27, 2017.

I. DISCUSSION

Pursuant to Hawaii Administrative Rules ("HAR") 13-1-39(a), "the board may reconsider a decision it has made on the merits only if the party can show that: (1) new information not previously available would affect the result; or (2) a substantial injustice would occur." In this case, UHH has not shown either, and consequently, the Motion for Reconsideration should be denied.

A. UHH failed to present any "new information that was not available."

Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 May 4 1:29 pm

In its Motion for Reconsideration, UHH argues that Exhibit A-142 is the Archaeological Monitoring Plan In Support of Construction of the Thirty Meter Telescope in the Astronomy Precinct on Mauna Kea, dated May 2013. Which Mr. Gosser and Ms. Collins were not presented as witnesses, their written direct testimonies are the basis for admission of Exhibit A-142.

B. UHH failed to show a “substantial injustice”.

UHH fails to establish that the Motion for Reconsideration should be granted due to “substantial injustice”. Exhibit A-142 was introduced into evidence through the cross-examination of Ms. Tiffnie Kakalia by UHH on Hearing Day February 27, 2017, Volume 41, which Petitioner was present.

Petitioner could not have cross-examination of Ms. Tiffnie Kakalia on Exhibit A-142, she was not the principal person of Exhibit A-142.

The Senior Archaeologist and Principal investigator for the Archeological Monitoring Plan, is Sara L. Collins for Pacific Consulting Services Inc., who wrote the Final Report for Exhibit A-142. *See* Ex. 1 Sara L. Collins Curriculum Vitae (“CV”) and Ex. 2 Final Report.

The Principal Investigator for Pacific Consulting Services, Inc. is Dennis Charles Gosser for Exhibit A-142. *See* Ex. 3 Dennis Charles Gosser CV.

Therefore Exhibit A-142 was properly excluded, as it is immaterial and irrelevant base on Sara L. Collins and Dennis Charles Gosser who was not presented as a witness to cross-examine to Exhibit A-142.

II. CONCLUSION

Petitioner Opposition to UHH Motion for Reconsideration should be granted the UHH does not present any new information.

Kailua Kona HI. May 3, 2017

A handwritten signature in black ink, appearing to read 'Cindy Freitas', with a horizontal line drawn underneath it.

Cindy Freitas Petitioner

Sara L. Collins

Pacific Consulting Services Inc.
 720 Iwilei Road, Suite 424
 Honolulu, HI 96817
 Telephone: 808.546.5557 Ext. 205
 Email: sara.collins@pcsihawaii.com

EDUCATION	
1992	University of Toronto, Ontario, CANADA <i>Ph.D. awarded, Department of Anthropology</i> <ul style="list-style-type: none"> Dissertation Title: <i>Diet and Nutrition in Hawaiian Prehistory: A Study of the Nutritional Status Represented by the Keopu Burials</i>
1977	University of Toronto, Ontario, CANADA <i>M.A. awarded, Department of Anthropology</i>
1976	Lawrence University, Appleton, Wisconsin, USA <i>B.A. awarded, Department of Anthropology</i>

EXPERIENCE	
2005 to present	SENIOR ARCHAEOLOGIST Pacific Consulting Services, Inc., Honolulu, Hawaii <ul style="list-style-type: none"> <i>Principal Investigator for 65 survey, burial recovery, testing and monitoring projects</i> <i>Performed osteological and faunal analyses of recovered materials</i>
2004 to 2005	BRANCH CHIEF Archaeology Branch, State Historic Preservation Division, State of Hawaii <ul style="list-style-type: none"> <i>Supervised review and compliance work conducted by staff of seven</i>
1994 to 2003	STAFF ARCHAEOLOGIST Archaeology Branch, State Historic Preservation Division, State of Hawaii <ul style="list-style-type: none"> <i>Served as O`ahu and Moloka`i Archaeologist</i> <i>Conducted over 2000 reviews for compliance with federal and state historic preservation law</i> <i>Participated in over 200 burial calls, primarily on O`ahu Island</i>
1992 to 1994	CONSULTANT IN PHYSICAL ANTHROPOLOGY Free lance <ul style="list-style-type: none"> <i>Consultant in physical anthropology to local archaeological firms</i> <i>Consultant in physical anthropology to Bishop Museum in the U.S. Navy Inventory of Human Remains from Mokapu Peninsula</i>

Exhibit 1

FINAL REPORT

**Archaeological Monitoring Plan In Support of
Construction of the Thirty Meter Telescope in
the Astronomy Precinct on Mauna Kea,
Ka'ohē Ahupua'a, Hāmākua District, Island of
Hawai'i, State of Hawai'i**

TMK: (3) 4-4-015: 09 (por.)

Prepared for:

TMT Observatory Corporation
1200 E. California Boulevard
Pasadena, CA 91125

May 2013

PACIFIC CONSULTING SERVICES, INC.

720 Iwilei Road, Suite 424, Honolulu Hawaii 96817

FINAL REPORT
Archaeological Monitoring Plan In Support of Construction of the
Thirty Meter Telescope in the Astronomy Precinct on Mauna Kea,
Ka'ōhe Ahupua'a, Hāmākua District, Island of Hawai'i, State of Hawai'i
TMK: (3) 4-4-015: 09 (por.)

By
Sara Collins, Ph.D.,
Patrick McCoy, Ph.D.,
and
Stephan D. Clark, B.S.

Prepared by
Pacific Consulting Services, Inc.
720 Iwilei Road, Suite 424
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Prepared for
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May 2013

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AND COASTAL LANDS

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DEPT OF LAND & NATURAL RESOURCES
STATE OF HAWAII

CURRICULUM VITAE

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I. Education and Degrees

Ph.D. student, Anthropology, Arizona State University, Tempe, Arizona (1994-2008)
M.A. Anthropology, Brigham Young University, Provo, Utah (1994)
B.A. Anthropology, San Francisco State University, San Francisco, California (1991)

II. Professional Experience

Principal Investigator, Pacific Consulting Services, Inc., May 2010-present
Senior Archaeologist, Coastal Carolina Research Inc., June 2006-May 2010
Principal Investigator, Senior Archaeologist, Pacific Consulting Services, Inc., 2003-2006
Principal Investigator, Senior Archaeologist, AMEC Earth and Environmental (formerly Ogden Earth and Environment), 1999-2003
Graduate Research Associate, Archaeological Research Institute, Department of Anthropology, Arizona State University, 1996-1999.
Ceramic Analyst, Proyecto Arqueologico Yarumela, Instituto Hondureño de Antropología e Historia, Tegucigalpa, Honduras. 1995
Project Director/Technical Writer, Makena Maui Data Recovery Project, Department of Anthropology, Bishop Museum, Honolulu. 1994
Field Supervisor, Mazatán Early Formative Project, Paso de la Amada Mound 5 Excavations. New World Archaeological Foundation, San Cristobal, Chiapas, Mexico. 1993
Project Director, Wailea, Maui Archaeological Project. Department of Anthropology, Bishop Museum, Honolulu. 1989-1993
Excavation Supervisor, Goshen Island Archaeological Project. Museum of Peoples and Cultures, Brigham Young University. 1992
Project Director, Paeahu Rockshelter and Petroglyph Archaeological Project. Department of Anthropology, Bishop Museum, Honolulu. 1990
Archaeologist, Halawa Valley Archaeological Project. Department of Anthropology, Bishop Museum, Honolulu. 1989
Archaeologist, San Juan Island Archaeological Project. Department of Anthropology, University of Washington. (field school) 1988
Archaeologist, Archaeological Resource Services, Novato, California. 1987-1989
Survey Assistant, Benicia Historical Survey (volunteer) 1986
Cartographer, Matthew Turner Historic Shipyard Project, Golden Gate National Recreation Area, San Francisco. (volunteer) 1986

III. Professional Associations

Society for Hawaiian Archaeology

Exhibit 3

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'ohē Mauka,
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02

Document title:

CINDY FREITAS MEMORANDUM IN
OPPOSITION TO APPLICANT UNIVERSITY
OF HAWAII AT HILO'S MOTION TO
RECONSIDER MINUTE ORDER NO. 44 (doc>553)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by email (when indicated):

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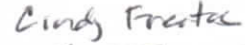

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