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Kailua Kona HI 96745  
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BOARD OF LAND AND NATURAL RESOURCES  
FOR THE STATE OF HAWAI‘I  

IN THE MATTER OF  
A Contested Case Hearing Re Conservation;  
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  

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Case No. BLNR-CC-16-002  
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; 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.”
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

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

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### EDUCATION

<table>
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<tr>
<th>Year</th>
<th>Institution</th>
<th>Location</th>
<th>Degree</th>
<th>Field</th>
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<tbody>
<tr>
<td>1976</td>
<td>Lawrence University</td>
<td>Appleton, Wisconsin, USA</td>
<td>B.A. awarded</td>
<td>Department of Anthropology</td>
</tr>
<tr>
<td>1977</td>
<td>University of Toronto</td>
<td>Ontario, CANADA</td>
<td>M.A. awarded</td>
<td>Department of Anthropology</td>
</tr>
<tr>
<td>1992</td>
<td>University of Toronto</td>
<td>Ontario, CANADA</td>
<td>Ph.D. awarded</td>
<td>Department of Anthropology</td>
</tr>
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</table>

#### Dissertation Title:
- *Diet and Nutrition in Hawaiian Prehistory: A Study of the Nutritional Status Represented by the Keopu Burials*

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### EXPERIENCE

<table>
<thead>
<tr>
<th>Year</th>
<th>Position</th>
<th>Company/Institution</th>
<th>Location</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005 to present</td>
<td>Senior Archaeologist</td>
<td>Pacific Consulting Services, Inc.</td>
<td>Honolulu, Hawaii</td>
<td>Principal Investigator for 65 survey, burial recovery, testing and monitoring projects</td>
</tr>
<tr>
<td>2004 to 2005</td>
<td>Branch Chief</td>
<td>Archaeology Branch, State Historic Preservation Division</td>
<td>State of Hawaii</td>
<td>Supervised review and compliance work conducted by staff of seven</td>
</tr>
<tr>
<td>1994 to 2003</td>
<td>Staff Archaeologist</td>
<td>Archaeology Branch, State Historic Preservation Division</td>
<td>State of Hawaii</td>
<td>Served as O'ahu and Moloka'i Archaeologist, Conducted over 2000 reviews for compliance with federal and state historic preservation law, Participated in over 200 burial calls, primarily on O'ahu Island</td>
</tr>
<tr>
<td>1992 to 1994</td>
<td>Consultant in Physical Anthropology</td>
<td>Free lance</td>
<td></td>
<td>Consultant in physical anthropology to local archaeological firms, Consultant in physical anthropology to Bishop Museum in the U.S. Navy Inventory of Human Remains from Mokapu Peninsula</td>
</tr>
</tbody>
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**Exhibit 1**
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.)

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

Exhibit 2
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
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720 Iwilei Road, Suite 424
Honolulu, HI 96817

Prepared for
TMT Observatory Corporation
1200 E. California Boulevard
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May 2013
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 Arqueológico 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
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
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, 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 HAWAI‘I 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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Hearing Officer's witness

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Date: 5/3/17