

Cindy Freitas
P.O. 4650
Kailua Kona HI 96745
hanahanai@hawaii.rr.com

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 MOTION TO
Use Application (CDUA) HA-3568 For the) ADMIT EXHIBITS OUT OF
Thirty Meter Telescope at the Mauna Kea) TIME; MEMORANDUM IN
Science Reserve, Ka'ohe Mauka, Hamakua,) SUPPORT OF MOTION; COS
Hawai'i TMK(3)4-4-015:009)

CINDY FREITAS MOTION TO ADMIT EXHIBITS
OUT OF TIME

Cindy Freitas, "Petitioner", hereby submits its Motion to Admit Exhibits Into
Evidence ("Motion"). This motion is made pursuant to Hawai'i Administrative Rules 13-
1-32, 34 and 35 ("HAR").

Kailua Kona HI July 10 2017


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 HAWAII

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

MEMORANDUM IN SUPPORT OF MOTION

At the Close of hearing March 2, 2017, the last day of witness testimonies, a process for moving exhibits and written direct testimonies into evidences was established.

On April 20, 2017 Minute Order No. 44 was upload into the Document Library (<https://dlnr.hawaii.gov/mk/files/2017/04/553-Minute-Order-44.pdf>) regarding

Documentary Evidence that set the schedule of the process as follows:

March 9, 2017 Deadline for Motions to move exhibits into evidence.

March 16, 2017 Deadline for responses, oppositions, joinders, etc, to Motions.

The Hearing Officer announced her intention to issue a Minute Order with rulings on March 23, 2017. Notwithstanding such intentions, the volume, extent and complexity of the exhibits, motions and responses necessitated significantly more time than anticipated. In making decisions about the exhibits, whether objected to or not, the Hearing Officer

followed the legal standards for admission of evidence; to wit, Hawai'i Revised Statutes ("HRS") 91-10(1) and HAR 13-1-35(a).

HRS 91-10 Rules of evidence; official notice. In contested cases:

- (1) 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 thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The agencies shall give effect to the rules of privilege recognized by law.

The applicable Hawai'i Administrative Rule is:

13-1-35 Evidence. (a) The presiding officer may exercise discretion in the admission or rejection of evidence and the exclusion of immaterial, irrelevant, or unduly repetitious evidence as provided by law with a view of doing substantial justice.

I Cindy Freitas move to inter the record with relevant information regarding desecration of a cultural site (Ahu o Kauakoko) on Mauna Kea. During the hearing on January 30, 2017 I cross examined E. Kalani Flores about a complaint filed regarding the desecration of an ahu (Ahu o Kauakoko) located at the 3.0 and 3.5 mile marker on the submit and reserved my right to submit information regarding the documents which in this case the Hearing Officer said "okay". Tr. 1/30/17: Vol. 32: Page 200. *See* Mauna kea Anaina Hou v. Board of Land and Natural Resources. 363 P. 3d 224 (Haw. 2015)

Request to Access a Government Record information that was requested by Cindy Freitas on February 21, 2017 to The Division of Conservation and Resources Enforcement (DOCARE) Exhibit A

I move to address the record to reflect that I was able to cross examine Stephanie Nagata on December 13, 2016 on the ahu (Ahu o Kauakoko) located at 3.0 and 3.5 mile marker on Mauna Kea that was accidentally removed but she stand corrected that it was intentionally destroyed by a utility worker and that Office of Mauna Kea Management failed to prepare a written report on the ahu (Ahu o Kauakoko) being intentionally destroyed. Stephanie Nagata stand correct that destroying an ahu is in compliance with Hawaii Revised Statue 711-1107. Tr. 12/13/16:Vol. 16: Pages 32, 33, and 34.

I also move to address the record that a second issue at Ahu o Kauakoko being desecrated on June 24, 2017 on Mauna Kea by placing a ho'okupu at the 3.0 and 3.5 mile marker at 11:15 a.m. were Ahu o Kauakoko once stood which Ranger Andrade coming down the submit and saw the ho'okupu and at 1:00 p.m. we were coming down the submit there was "no" ho'okupu by Ahu o Kauakoko once stood. We William Freitas, Joseph Camara and I got out of the car and looked around for the ho'okupu it was not there, again Ranger Andrade was coming up the submit and stop and notice the ho'okupu was not there we gave him a statement report and also filed a report with DOCARE. Exhibit B. *See Chapman v. Abbot*. 251 S.W. 3d 612 (Tex. App-Houston [1st Dist.] 2007, no pet.)

Declaration of Cindy Freitas confirms all exhibits are the true and correct copies. Exhibit C.

Although the Hearing Officer closed the evidentiary portion but in reality the Hearing Officer is still ruling on motions so the records are not close, pursuant to HRS 91-10 Rules of evidence, there for I also move the Hearing Officer to reopen non-hearing

portion to introduce “new” incidents of desecration that is relevant information that will help to inform the final decision of both the Hearing officer and Board of Land and Natural Recourse final decision.

Therefore with good cause set therein, the Hearing Officer should grant this Motion.

Kailua Kona HI. July 10, 2017


Cindy Freitas Petitioner

REQUEST TO ACCESS A GOVERNMENT RECORD

DATE: February 21, 2017

TO: The Division of Conservation and Resources Enforcement (DOCARE)

FROM: Cindy Freitas

Name or Alias hanahanai@hawaii.rr.com P.O. Box 4650 Kailua Kona HI 96745

Contact Information _____

Although you are not required to provide any personal information, you should provide enough information to allow the agency to contact you about this request. The processing of this request may be stopped if the agency is unable to contact you. Therefore, please provide any information that will allow the agency to contact you (name or alias, telephone or fax number, mailing address, e-mail address, etc.)

I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the government record you request will prevent delays in locating the record. Attach a second page if needed.

I WOULD LIKE: (please check one or more of the options below)

- ☐ To inspect the government record.
- ☒ A copy of the government record: (Please check one of the options below.) See the back of this page for information about fees that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.
- ☐ Pick up at agency (date and time): _____
- ☐ Mail _____
- ☐ Fax (toll free and only if available) _____
- ☒ Other, if available (please specify): hanahanai@hawaii.rr.com
- ☐ If the agency maintains the records in a form other than paper, please advise in which format you would prefer to have the record.
- ☐ Electronic ☐ Audio ☐ Other (please specify): _____
- ☒ Check this box if you are attaching a request for waiver of fees in the public interest (see waiver information on back). Attached paper for waiver and information

SEE BACK FOR IMPORTANT INFORMATION

Certified mail 7015 3010 0001 1670 8622

T-3.k

OIP (rev 9/12/01)

Exhibit A

Cindy Freitas
P.O. 4650
Kailua Kona HI 96745
Landbattman@hawaii.gov

February 17, 2017

The Division of Conservation and Resources
Enforcement (DOCARE)
Kalanimoku Building
1151 Punchbowl St R. 311
Honolulu, HI 96813

RE: Waiver of Fees in the Public Interest HAR 2-71-32

Aloha

I am Cindy Freitas and I am researching for a report that was filed. Information as follows:

Filed on: September 14, 2015
Name: Pueo Kai McGuire (Mcguireturcotte)
Case #: HA 16-204
Filed in: Forestry: Misc. Public
Incident: Ahu Structure Removal
Location: Mauna Kea Summit at the 3.0-3.5 mile marker to summit.

Statement of Facts:

The Ahu was erected and consecrated at the 3.0-3.5 mile marker going to Mauna kea Summit around June 24, 2015 and it was intentionally remove by a Mauna Kea Support Service person with a backhoe around August 2015. Verbal report was done between Stewart Hunter Manager of Mauna kea Management and Stephanie Nagata Director of Office of Mauna Kea Management.

It was cross examine on TMT Contested Case Hearing by Nagata on 12/13/16 with Stephanie Nagata admitted that the Ahu was intentionally remove by MKSS worker with a backhoe.

Youtube Description: Ahu On Mauna Kea Video Results: Na'au News Now Video Face book on September-13, 2015. Report on Ahu Desecrated.

video of DOCARE.eml

The Requester which is identified above heading will served the public interest in accordance with section HAR 2-71-32 to bring the truth to justices pursuant to HRS 711-1107.

Mahalo,


Cindy Freitas
Certified Mail 7015 3010 0001 1670 8622

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 16-204-HA	District Hawaii	Lead Investigator <i>C. Ferguson</i>	Report Status In Progress	Key Report <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Date/Time Reported 09/14/2015 11:00AM	Location Mauna Kea GMA	Classification FORESTRY: MISC. PUB.	Connecting Reports	

Investigation Report

BASIC	1. CLASSIFICATION FORESTRY: MISC. PUB.										2. SOURCE Other			
	3. COMPLAINANT'S NAME Pueo McGuire-Turcotte						4. SEX Male	5. RACE	6. AGE	7. BIRTH DATE	8. OCCUPATION			
	9. ADDRESS						10. PLACE EMPLOYED/SCHOOL ATTENDING				11. HOME	12. WORK	13. CELL	
	14. LOCATION OF INCIDENT/INTERSECTING STREET APPROX. 11,000' ELEVATION										15. DATE/TIME OCCURRED 08/13/2015 08:00AM		16. DATE/TIME REPORTED 09/14/2015 11:00AM	
VEHICLES	17. TYPE	18. YEAR	19. MAKE	20. MODEL	21. COLOR	22. LICENSE / HA No.		23. LENGTH	24. STOLEN					
	25. REGISTERED OWNER			26. ADDRESS				27. HOME	28. WORK	29. CELL				
	30. NOTES													
	31. TYPE	32. YEAR	33. MAKE	34. MODEL	35. COLOR	36. LICENSE / HA No.		37. LENGTH	38. STOLEN					
PEOPLE	39. REGISTERED OWNER			40. ADDRESS				41. HOME	42. WORK	43. CELL				
	44. NOTES													
	45. NAME				46. SEX	47. RACE	48. AGE	49. BIRTH DATE	50. OCCUPATION					
	51. CATEGORY			52. ADDRESS				53. HOME	54. WORK	55. CELL				
SYNOPSIS	56. NAME				57. SEX	58. RACE	59. AGE	60. BIRTH DATE	61. OCCUPATION					
	62. CATEGORY			63. ADDRESS				64. HOME	65. WORK	66. CELL				
	67. NAME				68. SEX	69. RACE	70. AGE	71. BIRTH DATE	72. OCCUPATION					
	73. CATEGORY			74. ADDRESS				75. HOME	76. WORK	77. CELL				
78. SYNOPSIS ON ABOVE DATE, TIME, AND LOCATION, MCGUIRE REPORTED AN AHU STRUCTURE REMOVED. DISPOSITION: RESCORDS ONLY														
WRITER	79. REPORT WRITTEN BY <i>C. Ferguson</i>		80. BADGE No. 119	81. DATE/TIME WRITTEN 09/14/2015 01:16 PM		82. SUPERVISOR APPROVING <i>James Weller</i>		83. DATE/TIME APPROVED 9/15/15		84. BADGE No. 19				
85. DISPOSITION														

State of Hawaii | Department of Land and Natural Resources | Division of Conservation and Resources Enforcement

INVESTIGATION # 16-204-HA	DISTRICT Hawaii	LEAD INVESTIGATOR E. Ferguson	KEY REPORT <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
DATE / TIME REPORTED 9/14/2015 11:00:00 AM	LOCATION Mauna Kea GMA	CLASSIFICATION FORESTRY: MISC. PUB.	CONNECTING REPORT(S) ---

Report Type: ☒ Continuation of Report ☐ Supplemental ☐ Follow Up
Date/Time Written: 09-14-15/ 1200HRS.
Written By: E. Ferguson

Report

ASSIGNMENT: On Monday, 09-14-2015, at about 1100hrs, while assigned as uniformed DOCARE632, Pueo McGUIRE-TURCOTTE walk-in to the Hilo DOCARE Office to report an ahu that has been removed.

SCENE: Mauna Kea Game Management Area, off of Mauna Kea Access Rd., approx. 11,000', at about the 4th bend. The road and shoulder is managed by Mauna Kea Support Services.

REPORTING PERSON STATEMENT: REFER TO STATEMENT FORMS, 2pgs
Aggressively and argumentatively, Pueo McGUIRE-TURCOTTE reported an ahu, off of Mauna Kea Access Rd., was removed. McGUIRE stated that no one saw the removal of the ahu, they just assume that it was bulldozed and completely destroyed because of a bulldozer in the area. McGUIRE does not own the ahu.

HISTORIC PRESERVATION: I contacted DLNR Historic Preservation Division about the incident. They informed me that the ahu that was built approx. 2-3 months ago is not a historic site.

DOFAW PERMIT: I contacted DLNR Division of Forestry and Wildlife about the incident. They informed me that there was no permit given to build any ahu or any structure at that area. It was an unpermitted structure.

MAUNA KEA SUPPORT SERVICES: I contacted Stuart HUNTER of MKSS. He informed me that according to their policy, the structure was removed after being there for more than 30 days. The structure was removed approx. 3 weeks ago. The area needed to be accessed for road repairs due to the current bad weather; road and shoulder hazards. There are rocks, rock debris, and gravel stored in that particular area for that purpose.
No permission was given to anyone to build an unpermitted structure in that area.

OMKM RANGERS: I contacted the Rangers for OMKM. They informed me that they know of the unpermitted structure and the removal. No permission was given to anyone to build an unpermitted structure in that area.

DISPOSITION: RECORDS ONLY

E. FERGUSON
Officer

119
Badge No.

09-14-2015/ 1230HRS.
Date / Time

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCARE

REPORT NUMBER: 16-204-HA

DISTRICT: OAH #1

CLASSIFICATION: misc. pub.

Ferry:

DATE: 09-14-15

PAGE 2 OF 2 PAGES

STATEMENT OF (Name):

ADDRESS:

AGE:

DATE OF BIRTH:

SSN#:

RESIDENCE PHONE:

BUSINESS PHONE:

I, _____, do freely and voluntarily provide the following statement:

cont...

Audrey, w/mauna Koa Management stated,
DMKM removed the ahia. She stated
she "does not care about the ahia".

Rangers informed me that Stuart Hunter
was responsible, as well as Stephanie
and Wally Ishibashi. Nagata

I have read this statement prepared by _____, which consists
of _____ [] typewritten [] handwritten pages, and have been give the opportunity to make corrections
thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this
statement freely and voluntarily without coercion or promise of reward.

SIGNED BY:

DATE:

TIME:

WITNESSED BY:

DATE:

TIME:

INVESTIGATOR:

DATE:

TIME:

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCARE

REPORT NUMBER: 16-214-HA

DISTRICT: EAST HI

CLASSIFICATION: misc. pub.

PAGE 1 OF 2 PAGES

DATE: 09.17.15

STATEMENT OF (Name): Pueo K. McGuire-Turcotte

ADDRESS: [REDACTED]

AGE: [REDACTED]

DATE OF BIRTH: [REDACTED]

SSN#: [REDACTED]

RESIDENCE PHONE: [REDACTED]

BUSINESS PHONE: [REDACTED]

I, Pueo McGuire-Turcotte, do freely and voluntarily provide the following statement:

A significant cultural site, specifically: the ahu named Kauakoko, located on the Mauna Kea access road, around ~11,000 feet elevation, was completely destroyed by bulldozing. Given the substantial significance of this site and DOCARE's mandate to protect the cultural resources of Hawaii, the perpetrators of this crime of desecrating a cultural site ~~should be~~^{must} should be subject to state penalties. DOCARE is mandated to follow up on this. ~~and should be~~^{must}

I have read this statement prepared by _____, which consists of 2 [] typewritten [X] handwritten pages, and have been given the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: [Signature]DATE: 9/17/15TIME: 11:00 am

WITNESSED BY: _____

DATE: _____

TIME: _____

INVESTIGATOR: E. [Signature]DATE: 9.14.15TIME: 11:00 am



DAVID Y. IGE
GOVERNOR

STATE OF HAWAII
OFFICE OF INFORMATION PRACTICES
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX: (808) 586-1412
E-MAIL: oin@hawaii.gov
www.oip.hawaii.gov

CHERYL KAKAZU PARK
DIRECTOR

June 22, 2017

VIA E-MAIL

The Honorable Suzanne Case
Chair
Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Re: Request for Assistance to Access Records (U RFA-P 17-56)

Dear Chair Case:

The Office of Information Practices (OIP) received a request for assistance from Ms. Cindy Freitas with respect to her request made under Part II of the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes (HRS) (the UIPA), for access to case number HA 16-204. Specifically, she requested the "Pueo Kai Meguire (Meguiretureotte)" report filed on September 14, 2015, relating to the "Ahu Structure Removal" at the "Mauna Kea Submit [*sic*] at the 3.0-3.5 mile marker to submit [*sic*]." Ms. Freitas indicated that she submitted her written request to the Department of Land and Natural Resources-Division of Conservation and Resources Enforcement (DLNR-DOCARE) on February 21, 2017, and has not yet received a response from DLNR-DOCARE. Copies of Ms. Freitas's request to OIP and her record request to DLNR-DOCARE are enclosed for your information.

Under OIP's administrative rules, an agency must respond to a written UIPA request for access to government records within a reasonable time, not to exceed ten business days. Hawaii Administrative Rules (HAR) § 2-71-13. Given the length of time since Ms. Freitas' request, please provide the requested record to Ms. Freitas within five business days from the date of this letter or, if DLNR-DOCARE intends to deny all or part of DLNR-DOCARE's request, please provide the required response to Ms. Freitas within that same timeframe. HAR §§ 2-71-13, 2-71-14, 2-71-15.

Specifically, if denying access, DLNR-DOCARE should (1) specify the record, or parts, that will not be disclosed; and (2) cite the agency's specific legal authorities under which access is denied under section 92F-13, HRS,¹ and other laws. HAR § 2-71-14.

Please also provide OIP with notice of the action taken by DLNR-DOCARE so that this issue can be resolved promptly.

By copy of this letter Ms. Freitas is also informed that a record requester is entitled to file a lawsuit for access within two years of a denial of access to government records. HRS §§ 92F-15, 92F-42(1) (2012). If the requester decides to file a lawsuit, the requester must notify OIP in writing at the time the action is filed. HRS § 92F-15.3 (2012). An action for access to records is heard on an expedited basis, and, if the requester is the prevailing party, the requester is entitled to recover reasonable attorney's fees and costs. HRS §§ 92F 15(d), (f).

Alternatively, if the agency denies access to the requested records, the requester may file an appeal to OIP in accordance with chapter 2-73, HAR. HRS § 92F-15.5 (2012).

This letter also serves as notice that OIP is not representing anyone in this request for assistance. OIP's role herein is as a neutral third party.

Thank you in advance for your cooperation and assistance in this matter. Please do not hesitate to contact OIP if you have any questions or require assistance.

Very truly yours,



Liza R.H. Onuma
Staff Attorney

LRO:za
Enclosures

cc: Mr. Robert Farrell, Enforcement Chief,
Department of Land and Natural Resources-Division of Conservation and Resources
(with enclosures)
Ms. Cindy Freitas (without enclosures)

¹ The UIPA also provides generally that when compliance with any provision of the UIPA would cause an agency to lose or be denied funding or other assistance from the federal government, compliance with that UIPA provision shall be waived, but only to the extent necessary to protect eligibility for such federal assistance. HRS § 92F-4 (2012).



DAVID Y. IGE
GOVERNOR

STATE OF HAWAII
OFFICE OF INFORMATION PRACTICES

NO 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
Telephone: (808) 586-1400 FAX (808) 586-1412
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www.oip.hawaii.gov

CHERYL KAKAZU PARK
DIRECTOR

June 29, 2017

VIA E-MAIL

Ms. Cindy Freitas
P.O. Box 4650
Kailua Kona, HI 96745

Re: Request for Assistance to Access Records (U RFA-P 17-56)

Dear Ms. Freitas:

The Office of Information Practices (OIP) opened the above-referenced file based on the Department of Land and Natural Resources-Division of Conservation and Resources Enforcement's (DLNR-DOCARE) response to your record request dated February 21, 2017. OIP has received a copy of DLNR-DOCARE's June 27, 2017 e-mail to you, along with attachments, responding to your request for access to case number 16-204-HA. Specifically, you requested the "Pueo Kai Meguire (Meguiretureotte)" report filed on September 14, 2015, relating to the "Ahu Structure Removal" at the "Mauna Kea Submit [*sic*] at the 3.0-3.5 mile marker to submit [*sic*]."

In DLNR-DOCARE's June 27, 2017 e-mail to you, DLNR-DOCARE informed you that it was attaching a copy of the requested report as "[t]he record now is released to you subject to certain redactions for personal privacy reasons." It cited section 92F-13-13(1), Hawaii Revised Statutes (HRS), as its statutory authority to withhold in its Notice to Requester dated June 27, 2017. As DLNR-DOCARE has now responded to you in writing in the manner required by section 2-71-14, Hawaii Administrative Rules (HAR), OIP will close this Request for Assistance file.


For your information, OIP has previously opined that an agency must generally provide access to a government record in the physical form requested by the public as long as the agency maintains the information in that form, and unless doing so might significantly risk damage, loss, or destruction of the original record. See OIP Op. Ltr. No. 10-02 at 3-4; citing 90-35 at 10-14.

You are entitled to file a lawsuit for access within two years of a denial of access to government records, and need not wait for a determination from OIP to do so. HRS §§ 92F-15, 92F-42(1) (2012). An action for access to records is heard on an expedited basis and, if you are the prevailing party, you are entitled to recover reasonable attorney's fees and costs. HRS §§ 92F-15(d), (f).

Ms. Cindy Freitas
June 29, 2017
Page 2

A record requester may also appeal a denial of access to OIP in accordance with chapter 2-73, HAR. HRS § 92F-15.5 (2012).

Very truly yours,



Liza R.H. Onuma
Staff Attorney

LRO:za

cc: The Honorable Suzanne Case, Chair, Department of Land and Natural Resources
Mr. Robert Farrell, Enforcement Chief,
Department of Land and Natural Resources-Division of Conservation and Resources
Mr. Bin C. Li, Administrative Proceedings Coordinator,
Department of Land and Natural Resources

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCAREREPORT NUMBER 17-1324-HA
DISTRICT
CLASSIFICATION Forestry: Misc Public

PAGE 1 OF 2 PAGES

DATE July 10, 2017

STATEMENT OF (Name): William Freitas

ADDRESS

AGE

RESID

do freely and voluntarily provide the following statement.

1. William Freitas

On June 24, 2017 @ 11:15 am on the Mauna Kea Summit access road in the area of the 3.135 mile marker on the right side of the access way, where 'Ahu Kaulakoko' was bulldozed by MDCSS employee in Aug. 2015 (report #16-201-HA) stopped to do ceremony and give Hiko Kupu (offerings). Accompanying me was Cindy Freitas and Joseph Kualii Carmara. When we approached, I immediately became emotional distressed because a huge Gravel Pile was sitting on the area that I placed our hoko Kupu in the location that 'Ahu Kaulakoko' stood after it was bulldozed on June 24, 2016. I'm ~~not~~ 2016. Determined to show respect to an 'Ahu' called Kaulakoko that was destroyed and noted on record with a report number. We proceeded to do ceremony and place our hoko Kupu on the Top of the gravel pile where Kaulakoko once stood. The hoko Kupu was consecrated and dedicated, then secured so wind could not blow it away (note: it was not windy). At the closing of our ceremony, a DMKM Ranger Mr. Andrade stopped and gave Aloha and noticed the Hoko Kupu offerings on the gravel pile, I explained to him that we did ceremony in honor of 'Ahu Kaulakoko' that stood there before it was destroyed. Then He went down and we went towards the Summit, so then we placed another DMKM Ranger. We continued to stop and do ceremony at another spot below the intersection at the Summit. Then we stopped up by the side of the road before the intersection to drop off Joseph Kualii Carmara to go into Kilauea to do ceremony. Then at that time a White Suburban like Vehicle came from behind us heading to the Summit, with two White Male's and the passenger had his camera pointing at us in a "threatening" way after

I have read this statement prepared by William Freitas, which consists of 1 [] typewritten [x] handwritten pages, and have been give the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: William Freitas DATE: July 10, 2017 TIME: 12:00

WITNESSED BY: D. A. Shub DATE: 10 JUL 17 TIME: 1206

INVESTIGATOR: Edwin A. Smith #188 DATE: 10 JUL 17 TIME: 1206

Exhibit B

STATEMENT FORM

STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

REPORT NUMBER: 17-1384-HA

DISTRICT:

CLASSIFICATION: Forestry: Misc Public

PAGE 2 OF 2 PAGES

DATE: July 10, 2017

STATEMENT OF: William Freitas

do freely and voluntarily provide the following statement:

William Freitas
 → Common. As they came up behind us, and as they passed us to head to the Summit, the common started at us as if they knew who we were. I still can't forget their interest in us. After that my wife Cindy Freitas and I continued to the North Kache plateau where the two don are located on the proposed TMT Site. After we completed our common, we headed back to pickup Joseph Kuslik Camara at the Summit intersection and started to head down the Summit. Then after we approached the 3.0 and 3.5 mile marker where we placed our hookups on the gravel pile, I noticed from a distance that the hookups was "not" on the gravel pile. We stopped and we all searched all over between rocks, under rocks, down the slope, around the area, and found nothing. It wasn't until he only could speculate that someone "stole it". At that time I called June 23, 2017. I called DNR Edwin Shishito and made the report of the theft. I gave him the description of the white Suburban with the two white males in it and the passenger pointing his camera at us by text message of our hookups on the gravel pile with the photo, and a photo of it was found missing. He text me back and said he'll see what he can do. Then at that time as I was on the phone with DNR Officer Shishito, OMKM Ranger Andrade on his up the Summit stopped by us. I gave him and reported to him that the common hookups was missing. He couldn't believe it. He witnessed on the Gravel pile, and less than 2 hrs. he witness it missing. This incident leaves me emotionally distressed!!

I have read this statement prepared by William Freitas, which consists of 2 handwritten pages, and have been give the opportunity to make corrections thereon. I state that this statement is true and correct to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: William Freitas DATE: 07-10-2017 TIME: 12:00

WITNESSED BY: [Signature] DATE: 10 JUL 17 TIME: 1209

INVESTIGATOR: Elan J. [Signature] 418 DATE: 10 JUL 17 TIME: 1209

(2)

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCAREREPORT NUMBER: 17-1384-HA
DISTRICT:
CLASSIFICATION: Forestry, Mass Public
DATE: July 10, 2017

PAGE 1 OF 2 PAGES

STATEMENT OF (Name): Cindy Freitas

I, Cindy Freitas, do freely and voluntarily provide the following statement:

On June 24, 2017 about 11:00am, William Freitas ("Billy"), Joseph Carrara and I were ascending up to the summit of Mauna Kea to do our cultural protocol on areas on the summit. We first went to the 3.0 3.5 mile marker where Ahu o Kamehameha once stood in an ahu form (Rock form) to give ho'okupu (offerings, chanting) and do our cultural customary traditional practice to honor our ancestors by chanting and releasing our mana in the breaths that forms the insight and experience of connections, were stood before us. Billy place the ho'okupu on top a large gravel pile that was located on the area where Ahu o Kamehameha once stood in an ahu form and place the ho'okupu in which Billy dug out an area on the top of the gravel pile so that the ho'okupu will not fall down the gravel pile. As we were about done Ranger Andrade was driving down from the summit and stop to talk with us and Billy told him we place a ho'okupu, he acknowledge us and shake hands and saw the ho'okupu and went down the summit. We continue to place four other ho'okupu in other areas at the summit of Mauna Kea for our ancestors who are not with us but their spirits walk amongst us and take

I have read this statement prepared by Cindy Freitas, which consists of 1 [] typewritten [X] handwritten pages, and have been give the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: Cindy Freitas

DATE: 7/10/17 TIME: 12:00pm

WITNESSED BY: Elwin A. Shishido

DATE: 10 JUL 17 TIME: 1201

INVESTIGATOR: Elwin A. Shishido

DATE: 10 JUL 17 TIME: 1201

STATEMENT FORM

STATE OF HAWAII
DLNR/DOCAREREPORT NUMBER: 17-1384-HA
DISTRICT:
CLASSIFICATION: Forestry: Misc. Public
DATE: July 10, 2017


PAGE 2 OF 2 PAGES

STATEMENT OF (Name): Cindy Freitas

I, Cindy Freitas, do freely and voluntarily provide the following statement:

form in the elements of wind, rain, or in rock form, then started to come down the subunit when we came upon the area of Ahu o Kawaheke. We noticed that the "HO'OKUPU" was gone. We came out of the car and search the area for the "HO'OKUPU" and it was not there and Billy took a picture of the gravel pile with no "HO'OKUPU" on it and we went into the car and then saw Ranger Andrade at 1:00 p.m. coming up the road and he stop, Billy told Ranger Andrade about the missing "HO'OKUPU", someone took the "HO'OKUPU". At that point I was so traumatize that someone has desecrated my cultural customary traditional practice to honor my ancestor and insulted my ancestors and by taking away the scared chanting and offering that has so much mana in it, that destroyed the connection between me and my ancestors that cannot be captured again. The intent has cause me great grief in me.

I have read this statement prepared by Cindy Freitas, which consists of 2 (X) typewritten (X) handwritten pages, and have been give the opportunity to make corrections thereon. I attest that this statement is true and correct, to the best of my knowledge, and that I give this statement freely and voluntarily without coercion or promise of reward.

SIGNED BY: 

DATE: 7/10/17 TIME: 12:00 p.m.

WITNESSED BY: 

DATE: 10 JUL 17 TIME: 1202

INVESTIGATOR: Elwin A. Stoltz

DATE: 10 JUL 17 TIME: 1202

DECLARATION OF CINDY FREITAS

1. I am competent to testify to the matters set forth herein and do so on personal knowledge, unless otherwise indicated.
2. Attached hereto as "Exhibit "A" is a true and correct copy of a Request to Access a Government Record (pursuant Hawaii'i Revised Statute "HRS" 103-304)
3. State of Hawaii Department of Land and Natural Resources "DLNR/ The Division of Conservation and Resources Enforcement "DOCARE", Statement Form of Cindy Freitas (pursuant to HRS 103-304)
4. DLNR/DOCARE, Statement form of William Freitas (pursuant to HRS 103-304)
5. I, CINDY FREITAS, do declare under penalty of law do declare that the foregoing is true and correct to the best of my knowledge and belief.

Kailua Kona HI, July 10 2017


Cindy Freitas Petitioner

Exhibit C

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 MOTION TO
ADMIT EXHIBITS OUT OF TIME;
MEMORANDUM IN SUPPORT
OF MOTION

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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Signature: 

Name:

Cindy Freitas

Date:

7/10/17