

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District)	Minute Order No. 43
Use Application (CDUA) HA-3568 For the)	(Setting Post-Hearing Deadlines)
Thirty Meter Telescope at the Mauna Kea Science)	
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i)	
)	
)	Certificate of Service
)	
)	

MINUTE ORDER NO. 43
(Setting Post-Hearing Deadlines)

TRANSCRIPTS. Copies of transcripts of all post-remand proceedings pertaining to this matter, were delivered to the following places, on or about April 18, 2017:

- Hilo Public Library
300 Waianuenue Ave.
Hilo, HI 96720
Phone: (808) 933-8890
- Thelma Parker Memorial Public and School Library
67-1209 Mamalahoa Hwy
Waimea, HI 96743
Phone: (808) 887-6067
- Kailua-Kona Public Library
75-138 Hualalai Rd.
Kailua-Kona, HI 96740
Phone: (808) 327-4327
- Hawaii State Library (O`ahu)
478 S King St.
Honolulu, HI 96813
Phone: (808) 586-3500

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 April 18 4:20 pm

- Edwin H. Mookini Library (UH-Hilo Library)
200 W Kawili St.
Hilo, HI 96720
Phone: (808) 932-7286

All transcripts are now available for review, **except** for the UH-Hilo Library transcripts which will be available from Saturday, April 22, 2017. Sign-out/sign-in procedures are required.

PROPOSED DECISION AND ORDER; PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW; DEADLINES.

Hawai'i Administrative Rules §13-1-38, Decisions and orders, sets out:

- (a) After all evidence has been taken, the parties may submit, within the time set by the presiding officer, a proposed decision and order which shall include proposed findings of facts and conclusions of law.
A party to the proceedings may submit a proposed decision and order which shall include proposed findings of fact and conclusions of law.
The proposals shall be filed with the board and mailed to each party to the proceeding not later than ten days after the transcript is prepared and available, unless the presiding officer shall otherwise prescribe. (emphasis added)

* * *

Based upon HAR §13-1-38 (a), all applicable law, and the entire record, the **deadlines for the filing** of proposed decisions and orders, including findings of facts and conclusions of law, and responses thereto, are:

May 30, 2017	Proposed decision and order, findings of fact and conclusions of law.
June 13, 2017	Responses to decision and order, findings of fact and conclusions of law. Each Response <u>shall</u> identify by Document Number the specific decision and order, findings of fact and conclusions of law to which it responds. E.g. "Response to [Party Name]"

decision and order, findings of fact and conclusions of law (Doc. No. xxx)”

FILING/SUBMISSION PROCEDURE. An original of the filing/submission **must be received** by the DLNR Office of Conservation and Coastal Lands, 1151 Punchbowl Street, Room 131, Honolulu, Hawai`i 96813; **no later than 4:00 p.m. on the deadline set forth.** (emphasis added). A digital copy in pdf form should be sent to dlnr.maunakea@hawaii.gov, or delivered to the above office, on the same deadline.


MOTION TO RECONSIDER. A party, who believes it appropriate, may file a motion to reconsider this Minute Order No. 43. Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992).

The **deadline for submission of any motion to reconsider** this minute order is no later than **5 business days** after the date this Minute Order is filed in the Documents Library. Any **responses to motions to reconsider**, shall be submitted no later than **5 business days** after any motion to reconsider this Minute Order is filed in the Documents Library.

Any Motion to Reconsider shall be considered a non-hearing motion unless otherwise designated by the Hearing Officer.

IT IS SO ORDERED.

DATED: Honolulu, Hawai`i, April 19, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer

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

BLNR Contested Case HA-16-02
Document title: **Minute Order 43**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by email (when indicated) on April 18, 2017, and by regular mail on April 19, 2017:

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Signature: 
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Date: April 18, 2017