

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. <u>57</u>
Use Application (CDUA) HA-3568 For the)	(Order Denying Temple of Lono
Thirty Meter Telescope at the Mauna Kea Science)	Motion to Schedule Pending
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i)	Motions (Doc. 324))
TMK (3) 4-4-015:009)	
)	
_____)	Certificate of Service

MINUTE ORDER NO. 57

(Order Denying Temple of Lono Motion to Schedule Pending Motions (Doc. 324))

The Temple of Lono filed its Temple of Lono Motion to Schedule Pending Motions (Doc. 324) received by the Office of Conservation and Coastal Lands on October 5, 2016 (listed as being filed on October 6, 2016, in the Documents Library Index) (“Motion”). Other than the Motion, there were no other submissions related to Doc. 324 for the Hearing Officer’s consideration.

In this Motion, the Temple of Lono sought to have certain “pending motions that have not yet been scheduled for briefing”, set for briefing and decision. Doc. 324 at page 1. The motions referenced include:

- DOC-262: Motion to Recuse Hearing Officer (footnote omitted)
- DOC-263: Motion for Summary Judgment (Disqualification)
- DOC-264: Motion for summary Judgment (Desecration)
- DOC-286: Motion for reasoned Explanations and Extension of Time

Doc. 324 at page 1.

A process for filing pre-hearing motions and objections or responses thereto, and setting a hearing on those motion, was established at the Second Pre-Hearing Conference held on June 17,

2016. Minute Order 13 at pp. 6-7. The Temple of Lono motions that are the subject of this motion, *inter alia*, were filed well after the deadlines set out in Minute Order 13. Setting a hearing or hearings for said motions would be inapposite.

Based upon the Motion, all applicable law and the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Motion is DENIED.

Motion to Reconsider. A party, who believes it appropriate, may file a motion to reconsider using the procedure set out herein. 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 **10 business days** after the order is filed in the Documents Library; essentially 5 business days after the deadline for motions to reconsider.

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

DATED: Honolulu, Hawai'i, May 31, 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'ohe Mauka,
Hāmakua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title: **Minute Order 57**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 1, 2017 and by regular mail on June 1, 2017:

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