

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)
)
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, Hamakua, Hawai`i)
TMK (3) 4-4-015:009)
)
_____) **Certificate of Service**

CASE NO. BLNR-CC-16-002
Minute Order No. 79
(Order Denying Temple of Lono
Motion to Reconsider Minute
Order No. 47)
(Doc. 619)

MINUTE ORDER NO. 79

**(Order Denying Temple of Lono Motion to Reconsider Minute
Order No. 47 (Doc. 619))**

Temple of Lono filed its Temple of Lono Motion to Reconsider Minute Order No. 47 (Doc. 619), on May 5, 2017 (“Motion”). In addition to the Motion, the following submission was considered:

Doc. #	Filed	Party	Title
641	18-May-17	UHH	The University of Hawai`i at Hilo’s Opposition to Temple of Lono’s Motion for Reconsideration Minute Order No. 47, Filed May 5, 2017 [Doc. No. 619]

The Temple of Lono seeks reconsideration and withdrawal of Minute Order No. 47 (Doc. 619) based upon its contentions that: (a) the Hearing Officer cannot possibly be objective in deciding whether the Applicant disqualified itself more than [sic] seven months ago; (b) on the merits, the ruling fails to address the fact not in dispute; (c) on the merits, the ruling is without legal support; and (d) the continual issuing of minute orders while the time is running to prepare findings of fact and conclusions of law is prejudicial. Doc. 619 at pp. 2-4.

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 June 12 1:41 am

In its opposition to the Motion, UHH contends that the: (a) Motion is yet another attempt to delay the proceedings; (b) Temple's accusations of bias are unfounded and irrelevant; (c) Hearing Officer is not required to explain in detail her interpretation of case law; (d) completeness of the record is irrelevant; and (e) alleged prejudice experienced by the Temple does not establish Hearing Officer bias. Doc. 641 at pp. 2-4.

All of the Temple's assertions amount to reargument and/or attempts to raise issues that are irrelevant to the substance of Minute Order No. 47. The Temple has failed to cite any plausible reasons or legal basis for reconsideration of Minute Order No. 47.

Based upon the Motion, all related submissions from counsels and/or parties, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Motion is DENIED.

DATED: Honolulu, Hawai'i, June 13, 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'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title: **Minute Orders 74-82**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 13, 2017 and by regular mail on June 13, 2017:

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June 13 2017