

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)
)
)
_____)

CASE NO. BLNR-CC-16-002

Minute Order No. 93
(Order Denying Temple of Lono
Motion to Reconsider Minute
Order No. 57 (Doc. 694))

Certificate of Service

MINUTE ORDER NO. 93

**(Order Denying Temple of Lono Motion to Reconsider Minute
Order 57 (Doc. 694))**

Temple of Lono filed its Temple of Lono Motion to Reconsider Minute Order 57 (Doc. 694) on May 31, 2017 (“Motion”). In addition to the Motion, the following submissions were considered:

Doc. #	Filed	Party	Title
746	15-Jun-17	UHH	The University of Hawaii at Hilo's Opposition to Temple of Lono's Motion for Reconsideration of Minute Order 57 (“UHH Opposition”)
747	15-Jun-17	TIO	TMT International Observatory, LLC's Joinder to the University of Hawaii at Hilo's Opposition to Temple of Lono's Motion for Reconsideration of Minute Order 57

With this Motion, the Temple of Lono seeks reconsideration of Minute Order 57 (Order Denying Temple of Lono Motion to Schedule Pending Motions (Doc. 324)). The reasons propounded for reconsideration are: (a) the only grounds for denial of the Temple Motion was timeliness; (b) the ruling improperly excludes legitimate motions; and (c) the untimely nature of the ruling makes impartiality and objectivity impossible. Motion at pages 25

The UHH contends: (a) the Temple's unsubstantiated claims of bias do not provide a basis for reconsideration of Minute Order No. 57; and (b) the Temple's efforts to manufacture a due process violation do not provide a basis for reconsideration of Minute Order No. 57. UHH Opposition, at pages 2-6.

TIO's joinder is a simple joinder, not substantive.

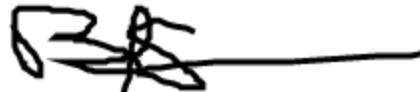
"Any Motion for Reconsideration shall not be used to reargue the motion or set out positions of a purely repetitious nature or to present factual or legal grounds that could or should have been presented at the original hearing. AMFAC, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114 (1992)." Minute Order 53, at page 4.

The basis for the denial of the underlying motion, as set forth in Minute Order 57 is "[s]etting a hearing or hearings for said motions would be inapposite[.]" because the Temple's motions were "filed well after the deadlines set out in Minute Order 13." Minute Order 57, page 2. The Temple of Lono's Motion is reargument and presents factual and legal ground that could have been raised previously. Reconsideration of Minute Order 57 is not merited.

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, July 14, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer