

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

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| IN THE MATTER OF |) | CASE NO. BLNR-CC-16-002 |
| |) | |
| Contested Case Hearing Re Conservation District |) | Minute Order No. 95 |
| Use Application (CDUA) HA-3568 For the |) | (Order Denying Cindy Freitas’ |
| Thirty Meter Telescope at the Mauna Kea Science |) | Motion to Amend Doc 274 Site |
| Reserve, Ka`ohe Mauka, Hamakua, Hawai`i |) | Visit to Include Request in |
| TMK (3) 4-4-015:009 |) | in Doc 220 (Doc. 278)) |
| |) | |
| _____ |) | Certificate of Service |

MINUTE ORDER NO. 95
(Order Denying Cindy Freitas’ Motion to Amend Doc 274 Site
Visit to Include Request in Doc 220 (Doc. 278))

Cindy Freitas filed her Motion to Amend Doc 274 Site Visit to Include Request in Doc 220 (Doc. 278) on September 21, 2016 ("Motion"). Other than the Motion, there were no other submissions for the Hearing Officer’s consideration.

This Motion is essentially a motion for reconsideration of Minute Order 18 (Site Visit to Mauna Kea – September 26, 2016) (“Min. Order 18”) (Doc. 274), filed on September 19, 2016. Min. Order 18 is the result of Minute Order No. 16 (Third Pre-Hearing Conference) (“Min. Order 16”) (Doc. 238), filed on August 23, 2016, that set out a process for parties and counsels to have input regarding the Site Visit scheduled for September 26, 2016.

Min. Order 16 reports the results of the Third Pre-Hearing Conference held on August 12, 2016. The relevant portion of Min. Order 16 discusses “Site Visit to Mauna Kea” on page 3. “Proposals regarding the locations to be visited, who will attend, and the procedures to be following during the Site Visit shall be submitted by the parties/counsels no later than five (5) business days after the filing of this Minute Order. Any responses, objections, oppositions, etc

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shall be filed no later than ten (10) business days after the filing of this Minute Order.” Min. Order 16, page 4. The deadline for proposals was August 30, 2016. The deadline for responses was September 6, 2016.

Min. Order 18 reflects the Hearing Officer’s decisions about the Site Visit after considering the proposals and responses filed by parties and counsels pursuant to Min. Order 16. Ms. Freitas submitted her Site Visit Proposal. (Doc.220), on August 17, 2016. Min. Order 18 refers to Ms. Freitas submittal. *See*, Min. Order 18 at page 1.

This Motion is almost an exact duplicate of Ms. Freitas’ Site Visit Proposal (Doc. 220) that was already considered. *See*, Min. Order 18 at page 1. More importantly, this Motion is untimely having been filed on September 21, 2016.

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

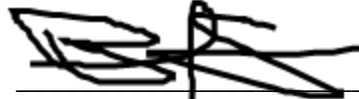
IT IS HEREBY ORDERED that the Motion is DENIED.

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, July 14, 2016.

A handwritten signature in black ink, appearing to read 'Riki May Amano', written over a horizontal line.

Judge Riki May Amano (Ret.)
Hearing Officer