

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. 100 (Re: Second No-Decisions for Non-Motion Submissions (Doc. Nos. 141, 143, 163, 188, 190, 225, 231, 248, 252, 279, 280, 285, 287, 288, 331, 339, 398, 400, 401, 412, 413) Certificate of Service
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MINUTE ORDER NO. 100

(Re: Second No-Decisions for Non-Motion Submissions (Doc. Nos. 141, 143, 163, 188, 190, 225, 231, 248, 252, 279, 280, 285, 287, 288, 331, 339, 398, 400, 401, 412, 413))

Upon inspection of the Documents Library, there are documents that do not seem to warrant decisions because the documents are not motions and/or not directed to filed motions; in some cases, notwithstanding the titles of the submissions. The following table reflects documents that appear as such:

Doc. #	Filed	Party	Title
141	1-Aug-16	UHH	The University of Hawai`i at Hilo's Objections to Immaterial, Irrelevant and Unduly Repetitious Witness Testimony; Declaration of Counsel; Exhibit "1"
143	1-Aug-16	TIO	TMT International Observatory, LLC's Objections to Witness Lists
163	1-Aug-16	MKAH	Mauna Kea Anaina Hou, et. al. Petitioners' Initial Objections to Witnesses Designated by Other Parties

Received
 Office of Conservation and Coastal Lands
 Department of Land and Natural Resources
 State of Hawaii
 2017 July 17 12:51 am

188	10-Aug-16	MKAH	Wurdeman Correspondence Addressed to Hearing Officer Judge (Ret.) Riki May Amano and BLNR Chair Suzanne Case re: Hearing on Petitioners' Motion to Disqualify BLNR's and Hearing Officer's Counsel, Filed on July 18, 2016, Filed on August 10, 2016.
190	10-Aug-16	Kealoha	Kamahana Kealoha: Demanding Redress to the Fact That We are Being Rushed, Coerced, and Intimidated Through This Process by the Hearing's Officer and Through Silence and Verbal Prodding as Well as Through Silence and Lack of Action of the Attorney General's Office
225	22-Aug-16	UHH	The University of Hawai'i at Hilo's Joinder to TMT International Observatory, LLC'S Opposition to Kamahana Kealoha: Motion Demanding Redress to the Fact That We are Being Rushed, Coerced, and Intimidated Through This Process by the Hearing's Officer and Through Silence and Verbal Prodding as Well as Through Silence and Lack of Action of the Attorney General's Office [Doc-190]
231	22-Aug-16	TIO	TMT International Observatory, LLC's Opposition to Kamahana Kealoha: Motion Demanding Redress to the Fact that We are Being Rushed, Coerced and Intimidated Through This Process by the Hearing's Officer and Through Silence and Verbal Prodding as Well as Through the Silence and Lack of Action of the Attorney General's Office [Doc-190]
248	29-Aug-16	Fergerstrom	Notice of the Appearance of Administrative Bias
252	2-Sep-16	Fergerstrom	Notice of Family Burial Claim Under the Proposed TMT Site; Copy of Claim With SHPD
279	22-Sep-16	Kihoi	Kihoi Memorandum re: Site Visit *Received on 9/21/16
280	22-Sep-16	Sleightholm	J Leina`ala Sleightholm's Motion of Opposition and Request to Amend Minute Order No. 18 Doc 274 *Received on 9/21/16
285	26-Sep-16	C Freitas	Motion to Object to Phone Call by Michael Cain on 9/23/16 that was Instructed by Hearing Officer Judge Riki Amano (ret.) *Received on 9/24/16
287	26-Sep-16	Camara	Joseph K. L. Camara's Response to Minute Order 18 (site visit)
288	26-Sep-16	MKAH	Petitioner Mauna Kea Anaina Hou, et al.'s Objections to Site Visit and Minute Order No. 18

331	7-Oct-16	C Freitas	Objection to Minute Order No. ____ that Hearing Officer Order on October 3, 2016
339	8-Oct-16	Camara	Joseph Kualii Lindsey Camara's Response to Amended Notice of Contested Case Hearing
None (filed in Evidence Hearing Submittals)	16-Oct-16	Fergerstrom	Opposition to All Motions/Reconsiderations/Minute Orders, Granting the Same, that Stand in Opposition to All of the Parties Who Have Stood in Opposition to the Representatives of Organizations Who Have Supported of Otherwise Advocated for the Permit to Construct the TMT, Including UH Hilo, TMT, TIO, PUEO
398	19-Oct-16	Fergerstrom	Need for Published Change in Hearing Dates; Memorandum in Support
400	20-Oct-16	Kanaele	Kanaele Join in Objections of Mauna Kea Anaina Hou, Hank Fergerstrom, Dwight Vicente
401	19-Oct-16	Vicente	Objection to Not Receiving Witness Testimony and Exhibits by Mail *Received on 10/18/16
412	13-Nov-16	Fergerstrom	Notice of Dates in January 2017; Good Cause Showing
413	15-Nov-16	Fergerstrom	Statement of Harry Fergerstrom

SUBMISSIONS LISTED BY CATEGORIES

OBJECTIONS. The following submissions appear to be objections that are not directed to filed motions:

Doc. #	Filed	Party	Title
141	1-Aug-16	UHH	The University of Hawai'i at Hilo's Objections to Immaterial, Irrelevant and Unduly Repetitious Witness Testimony; Declaration of Counsel; Exhibit "1"
143	1-Aug-16	TIO	TMT International Observatory, LLC's Objections to Witness Lists
163	1-Aug-16	MKAH	Mauna Kea Anaina Hou, et. al. Petitioners' Initial Objections to Witnesses Designated by Other Parties

None (filed in Evidence Hearing Submittals)	16-Oct-16	Fergerstrom	Opposition to All Motions/Reconsiderations/Minute Orders, Granting the Same, that Stand in Opposition to All of the Parties Who Have Stood in Opposition to the Representatives of Organizations Who Have Supported of Otherwise Advocated for the Permit to Construct the TMT, Including UH Hilo, TMT, TIO, PUEO
331	7-Oct-16	C Freitas	Objection to Minute Order No. ____ that Hearing Officer Order on October 3, 2016
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401	19-Oct-16	Vicente	Objection to Not Receiving Witness Testimony and Exhibits by Mail *Received on 10/18/16

CORRESPONDENCE. The following submissions appear to be a correspondence:

Doc. #	Filed	Party	Title
188	10-Aug-16	MKAH	Wurdeman Correspondence Addressed to Hearing Officer Judge (Ret.) Riki May Amano and BLNR Chair Suzanne Case re: Hearing on Petitioners' Motion to Disqualify BLNR's and Hearing Officer's Counsel, Filed on July 18, 2016, Filed on August 10, 2016.

NOTICES. The following submissions appear to be “notices”:

Doc. #	Filed	Party	Title
248	29-Aug-16	Fergerstrom	Notice of the Appearance of Administrative Bias
252	2-Sep-16	Fergerstrom	Notice of Family Burial Claim Under the Proposed TMT Site; Copy of Claim With SHPD
398	19-Oct-16	Fergerstrom	Need for Published Change in Hearing Dates; Memorandum in Support
412	13-Nov-16	Fergerstrom	Notice of Dates in January 2017; Good Cause Showing
413	15-Nov-16	Fergerstrom	Statement of Harry Fergerstrom

DEMANDS. The following documents are “demands” or are responses to “demands.”

There is no legal basis or authority offered for the “demand.”

Doc. #	Filed	Party	Title
190	10-Aug-16	Kealoha	Kamahana Kealoha: Demanding Redress to the Fact That We are Being Rushed, Coerced, and Intimidated Through This Process by the Hearing's Officer and Through Silence and Verbal Prodding as Well as Through Silence and Lack of Action of the Attorney General's Office
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231	22-Aug-16	TIO	TMT International Observatory, LLC's Opposition to Kamahana Kealoha: Motion Demanding Redress to the Fact that We are Being Rushed, Coerced and Intimidated Through This Process by the Hearing's Officer and Through Silence and Verbal Prodding as Well as Through the Silence and Lack of Action of the Attorney General's Office [Doc-190]

SITE VISIT. The following submissions appear to be related to Minute Order No. 18

(Site Visit to Mauna Kea – September 26, 2016), filed September 19, 2016, and/or the Site Visit

that took place on Monday, September 26, 2017:

Doc. #	Filed	Party	Title
279	22-Sep-16	Kihoi	Kihoi Memorandum re: Site Visit *Received on 9/21/16
280	22-Sep-16	Sleightholm	J Leina`ala Sleightholm's Motion of Opposition and Request to Amend Minute Order No. 18 Doc 274 *Received on 9/21/16
285	26-Sep-16	C Freitas	Motion to Object to Phone Call by Michael Cain on 9/23/16 that was Instructed by Hearing Officer Judge Riki Amano (ret.) *Received on 9/24/16

287	26-Sep-16	Camara	Joseph K. L. Camara's Response to Minute Order 18 (site visit)
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Based upon review of the aforementioned documents, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the non-motion submissions specified herein do not warrant decisions and none shall be issued.

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 17, 2017.



 Judge Riki May Amano (Ret.)
 Hearing Officer

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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 98-100**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on July 17, 2017 and by regular mail on July 17, 2017:

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