

NO. CAAP-10-0000161

IN THE INTERMEDIATE COURT OF APPEALS

OF THE STATE OF HAWAI'I

In re Petition to Amend
Interim Instream Flow Standards for
Waikamoi, Puohokamoa, Haipuaena, Punalau/Kolea,
Honomanu, West Wailuaiki, East Wailuaiki, Kopiliula,
Puakaa, Waiohue, Paakea, Kapaula, and Hanawi streams

ORDER DENYING SEPTEMBER 12, 2011 HRAP RULE 40
MOTION FOR RECONSIDERATION OF AUGUST 21, 2011
ORDER DISMISSING APPEAL FOR LACK OF JURISDICTION
(By: Nakamura, Chief Judge, Foley and Leonard, JJ.)

Upon review of (1) the August 31, 2011 order dismissing this appeal for lack of jurisdiction, (2) Petitioner-Appellant Nā Moku 'Aupuni 'o Ko'olau Hui's (Appellant Nā Moku) September 12, 2011 motion for reconsideration of the August 31, 2011 dismissal order pursuant to Rule 40 of the Hawai'i Rules of Appellate Procedure (HRAP), and (3) the record, it appears that this court did not overlook or misapprehend any points of law or fact when this court entered the August 31, 2011 dismissal order.

Therefore, IT IS HEREBY ORDERED that Appellant Nā Moku's September 12, 2011 HRAP Rule 40 motion for reconsideration of the August 31, 2011 dismissal order is denied.

DATED: Honolulu, Hawai'i, September 15, 2011.

Chief Judge

Associate Judge

Associate Judge