

SUPREME COURT OF HAWAI‘I

Keahole Defense Coalition, Inc. v. Board of Land & Natural Resources, 110 Haw. 419

134 P.3d 585 (2006) · No. No. 26305; S.Ct. No. 26305 · Decided May 26, 2006

SUMMARY

The Supreme Court of Hawai‘i held that Waimana Enterprises, Inc. lacked standing to challenge the vacatur of a judgment concerning the Board of Land and Natural Resources' extension of Hawaii Electric Light Company's construction deadline for the Keahole power station. The court concluded that Waimana was collaterally estopped from relitigating standing and lacked a sufficient property interest to establish a due process violation. It affirmed the circuit court's first amended final judgment vacating the prior judgment reversing the agency's decision.

CASE DETAILS

COURT	Supreme Court of Hawai‘i
WRITING FOR THE COURT	Acoba, J.; Moon, C.J.; Levinson, J.; Del Rosario, Circuit Judge, for Nakayama, J., recused; Chan, Circuit Judge, for Duffy, J., recused
JURISDICTION	Hawaii
DECIDED	May 26, 2006
DOCKET	No. 26305; S.Ct. No. 26305
DISPOSITION	affirmed
PROCEDURAL POSTURE	Waimana appealed from the circuit court's first amended final judgment vacating the court's prior order and judgment that had reversed the Board of Land and Natural Resources' grant of Hawai‘i Electric Light Company's construction-time extension. The Supreme Court addressed Waimana's standing before reaching its remaining arguments and affirmed.
STANDARD OF REVIEW	Standing is a jurisdictional issue that may be addressed at any stage of a case. A circuit court's ruling on a Hawai‘i Rules of Civil Procedure Rule 60(b) motion is reviewed for abuse of discretion; the court will not reverse unless the circuit court clearly exceeded the bounds of reason or disregarded applicable legal principles. The court's factual findings underlying vacatur are reviewed for clear error.
PRECEDENTIAL VALUE	published precedential opinion

PARTIES

Waimana Enterprises, Inc. v. Keahole Defense Coalition, Inc., Peggy J. Ratliff, Mahi Cooper, Board of Land and Natural Resources, State of Hawai‘i, Department of Land and Natural Resources, State of Hawai‘i, Hawai‘i Electric Light Company, Inc., Department of Hawaiian Home Lands, State of Hawai‘i

TOPICS

standing judicial review of agency action mootness appellate procedure environmental law

PRACTICE AREAS

administrative law environmental law appellate procedure civil procedure constitutional law

QUESTIONS PRESENTED

1. Whether Waimana had standing to oppose the motion to vacate the circuit court's prior judgment and to appeal the resulting judgment.
2. Whether collateral estoppel barred Waimana from relitigating its standing to challenge decisions concerning CDUA/CDUP HA-487A.
3. Whether Waimana possessed a constitutionally protected property interest sufficient to support a due process claim and standing.
4. Whether the circuit court had authority to determine Waimana's standing while considering the Rule 60(b) motion after remand.
5. Whether the circuit court abused its discretion by vacating its prior judgment because settlement rendered the appeal moot and vacatur served the public interest.
6. Whether the vacatur violated due process or equal protection or breached the State's public-trust obligations.

HOLDINGS

1. Waimana lacked standing to oppose the Rule 60(b) motion or appeal the first amended final judgment because it lacked standing to oppose the underlying agency decision and therefore could not satisfy the second requirement for standing to appeal.
2. Collateral estoppel barred Waimana from relitigating whether it had standing to challenge decisions concerning CDUA/CDUP HA-487A.
3. Waimana failed to establish a constitutionally protected property interest in its economic interests or exclusive telecommunications license sufficient to support a due process claim or standing.
4. The circuit court had authority to determine Waimana's standing while considering the Rule 60(b) motion because standing is jurisdictional and may be addressed at any stage of a case.
5. The circuit court did not abuse its discretion by vacating its prior order and final judgment because settlement rendered the agency appeal moot and the equities and public interest supported vacatur.

KEY QUOTATIONS

“We hold that Appellee-Appellant Waimana Enterprises, Inc. (Waimana) lacked standing to challenge the decision of Appellee-Appellee Board of Land and Natural Resources (BLNR) regarding a time extension that it granted to Appellee-Appellee Hawaii Electric Light Company, Inc. (HELCO) to complete construction of HELCO's Keahole power station” (110 Haw. at 419)

“Collateral estoppel, or issue preclusion, “applies to a subsequent suit between the parties or their privies on a different cause of action and prevents the parties or their privies from relitigating any issue that was actually litigated and finally decided in the earlier action.”” (110 Haw. at 595)

“Indeed, as previously discussed, on October 14, 2003, this court remanded S.Ct. No. 25446 for the court to consider vacatur of its own decision.” (110 Haw. at 603)

FACTUAL BACKGROUND

Hawai‘i Electric Light Company sought to expand its Keahole Generating Station and obtained a conservation-district-use permit subject to a construction deadline. The Board of Land and Natural Resources later granted HELCO a time extension, which the circuit court initially reversed. During the resulting appeal, other parties mediated and reached a settlement providing additional environmental and public-benefit protections, and the circuit court vacated its prior judgment. Waimana, an energy company with economic interests in developing an alternative generating site and later an exclusive telecommunications license involving adjacent Hawaiian Home Lands, opposed vacatur but declined to participate in the settlement mediation.

PROCEDURAL HISTORY

The circuit court initially determined that Waimana lacked standing to challenge the underlying conservation-district-use proceedings because its economic interests did not constitute a constitutionally protected property interest. Although Waimana later participated in agency proceedings concerning a construction-time extension, it did not appeal the Board's extension decision. After other parties reached a settlement, the circuit court vacated its prior reversal under Hawai‘i Rules of Civil Procedure Rule 60(b), concluding that the appeal was moot and that vacatur served the public interest. The Supreme Court affirmed, holding that Waimana lacked standing to oppose vacatur or appeal because the earlier standing determination collaterally estopped it from relitigating standing.

DISPOSITION

affirmed

CASES CITED

- Hawaii Electric Light Co. v. Department of Land & Natural Resources, 102 Hawai‘i 257, 75 P.3d 160 (2003)
- United Public Workers, Local 646 v. Brown, 80 Hawai‘i 376, 910 P.2d 147 (App. 1996)
- Kepo‘o v. Watson, 87 Hawai‘i 91, 952 P.2d 379 (1998)
- Waikiki Malia Hotel, Inc. v. Kinkai Properties, Ltd. Partnership, 75 Haw. 370, 862 P.2d 1048 (1993)
- Dorrance v. Lee, 90 Hawai‘i 143, 976 P.2d 904 (1999)

- Foytik v. Chandler, 88 Hawai‘i 307, 966 P.2d 619 (1998)
- Citizens for the Protection of the North Kohala Coastline v. County of Hawai‘i, 91 Hawai‘i 94, 979 P.2d 1120 (1999)
- Poe v. Hawai‘i Labor Relations Board, 98 Hawai‘i 416, 49 P.3d 382 (2002)
- Makainai v. Lalakea, 24 Haw. 518 (1918)
- Pub. Access Shoreline Hawai‘i v. Hawai‘i County Planning Commission, 79 Hawai‘i 425, 903 P.2d 1246 (1995)
- Bush v. Hawaiian Homes Commission, 76 Hawai‘i 128, 870 P.2d 1272 (1994)
- Thornton v. City of St. Helens, 425 F.3d 1158 (9th Cir. 2005)
- Allocco Recycling, Ltd. v. Doherty, 378 F. Supp. 2d 348 (S.D.N.Y. 2005)
- Gabris v. New York City Taxi & Limousine Commission, 2005 WL 2560384 (S.D.N.Y. 2005)
- Board of Regents of State Colleges v. Roth, 408 U.S. 564 (1972)
- Bush v. Watson, 81 Hawai‘i 474, 918 P.2d 1130 (1996)
- United Public Workers, Local 646 v. Brown, 80 Hawai‘i 376, 910 P.2d 147 (App. 1996)
- Kaneohe Bay Cruises, Inc. v. Hirata, 75 Haw. 250, 861 P.2d 1 (1993)
- Citicorp Mortgage, Inc. v. Bartolome, 94 Hawai‘i 422, 16 P.3d 827 (App. 2000)
- State v. Hawaiian Dredging Co., 50 Haw. 49, 430 P.2d 319 (1967)
- U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership, 513 U.S. 18, 115 S. Ct. 386, 130 L. Ed. 2d 233 (1994)
- American Games, Inc. v. Trade Products, Inc., 142 F.3d 1164 (9th Cir. 1998)
- Ringsby Truck Lines, Inc. v. Western Conference of Teamsters, 686 F.2d 720 (9th Cir. 1982)
- Life of the Land v. Ariyoshi, 57 Haw. 249, 553 P.2d 464 (1976)
- State v. Gano, 92 Hawai‘i 161, 988 P.2d 1153 (1999)
- Gossinger v. Association of Apartment Owners of Regency of Ala Wai, 73 Haw. 412, 835 P.2d 627 (1992)
- In re Doe, 90 Hawai‘i 200, 978 P.2d 166 (App. 1999)
- Tabieros v. Clark Equipment Co., 85 Hawai‘i 336, 944 P.2d 1279 (1997)
- Waikiki Discount Bazaar, Inc. v. City & County of Honolulu, 5 Haw. App. 635, 706 P.2d 1315 (1985)
- Pele Defense Fund v. Puna Geothermal Venture, 77 Hawai‘i 64, 881 P.2d 1210 (1994)
- In re Hana Ranch Co., 3 Haw. App. 141, 642 P.2d 938 (1982)

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