

FLORES-CASE 'OHANA  
E. Kalani Flores  
P.O. Box 6918  
Kamuela, Hawaii 96743  
Email: [ekflores@hawaiiintel.net](mailto:ekflores@hawaiiintel.net)

Petitioner pro se

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

In the Matter of:	)	Case No. BLNR-CC-16-002
A Contested Case Hearing Re Conservation	)	
District Use Application (CDUA) HA-3568	)	NOTICE OF WITHDRAWAL OF
for the Thirty Meter Telescope at the	)	FLORES-CASE 'OHANA'S MOTION
Mauna Kea Science Reserve, Ka'ohē	)	FOR 30 DAY EXTENSION OF START
Mauka, Hamakua District, Island of	)	OF CONTESTED CASE HEARING;
Hawai'i, TMK (3) 4-4-015:009	)	CERTIFICATE OF SERVICE
	)	
	)	
	)	Hearing Officer: Judge Riki May Amano
	)	(Ret.).

**NOTICE OF WITHDRAWAL OF FLORES-CASE 'OHANA'S MOTION FOR 30 DAY  
EXTENSION OF START OF CONTESTED CASE HEARING**

Petitioner, E. KALANI FLORES, pro se, representing the FLORES-CASE 'OHANA, do hereby withdrawal without prejudice the FLORES-CASE 'OHANA'S MOTION FOR 30 DAY EXTENSION OF START OF CONTESTED CASE HEARING that was electronically submitted on October 14, 2016.

DATED: Pu'ukapu, Hawai'i, October 17, 2016



**E. Kalani Flores**  
**Representing Flores-Case 'Ohana**

Received  
Office of Conservation and Coastal Lands  
2016 Oct 17 7:29 am  
Department of Land and Natural Resources  
State of Hawaii

FLORES-CASE 'OHANA  
E. Kalani Flores  
P.O. Box 6918  
Kamuela, Hawaii 96743  
Email: [ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)

Petitioner pro se

BOARD OF LAND AND NATURAL RESOURCES  
STATE OF HAWAII

In the Matter of:	)	Case No. BLNR-CC-16-002
A Contested Case Hearing Re Conservation	)	
District Use Application (CDUA) HA-3568	)	FLORES-CASE 'OHANA'S POSITION
for the Thirty Meter Telescope at the	)	STATEMENT OF APPLICANT UHH'S
Mauna Kea Science Reserve, Ka'ohē	)	STATEMENT OF POSITION RE
Mauka, Hamakua District, Island of	)	SCHEDULING; CERTIFICATE OF
Hawai'i, TMK (3) 4-4-015:009	)	SERVICE
	)	
	)	Hearing Officer: Judge Riki May Amano
	)	(Ret.)

**FLORES-CASE 'OHANA'S POSITION STATEMENT OF APPLICANT UHH'S  
STATEMENT OF POSITION RE SCHEDULING**

Petitioner, E. KALANI FLORES, pro se, representing the FLORES-CASE 'OHANA, respectfully submits this POSITION STATEMENT OF APPLICANT UHH'S STATEMENT OF POSITION RE SCHEDULING.

Upon further review of the record, it has been discovered there are still substantive motions and matters previously submitted during the pre-hearing conferences that are outstanding and have not yet been acted upon. We object that orders have not been entered on MOTION TO STRIKE CONSERVATION DISTRICT USE APPLICATION, HA-3568, DATED SEPTEMBER 2, 2010, AND/OR MOTION FOR SUMMARY JUDGMENT (DOC No. 94) and MOTION TO DISQUALIFY BLNR'S AND HEARING OFFICER'S COUNSEL (DOC No. 95), both filed nearly three months ago on July 18, 2016. Orders need to be entered upon these and any other outstanding motions prior to the commencement of this hearing. Unless all the pre-hearing conference issues and matters are completed, due process rights would be violated.

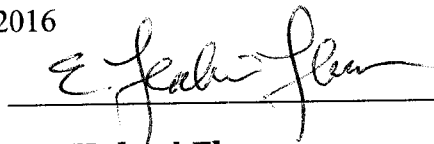
As such, it is unconceivable this contested case hearing could appropriately commence on October 18<sup>th</sup>.

Even the counsel for the Applicant (University of Hawaii at Hilo) in their STATEMENT OF POSITION RE SCHEDULING filed on October 14<sup>th</sup> “acknowledges that objections have been lodged by various parties to the current schedule based on the timing of the issuance of certain orders on substantive motions and related periods for reconsideration of those orders. The University believes that it would be in the interest of all parties to resolve those concerns,…”

In addition, the voluminous amount of motions, written direct testimonies, exhibits, pre-hearing statements, and other associated documents filed by parties as well as minute orders filed by the hearing officer in these past ten days has been colossal. Expecting to adequately prepare, read, and review the hundreds of pages of testimony and exhibits within only a week’s time would again prejudice us and violate our due process rights. It’s also for these reasons that this contested case hearing could not appropriately commence on October 18<sup>th</sup>.

We are objecting to the time schedule set forth by the hearing officer of only two to three days to respond to minute orders which was unreasonable and have prejudiced us as parties. We are also objecting that deadlines set forth by the hearing officer have not been issued in a written minute order in a timely manner or not at all, resulting in an unfair process and prejudice to us as parties.

DATED: Pu‘ukapu, Hawai‘i, October 17, 2016



---

**E. Kalani Flores**  
**Representing Flores-Case ‘Ohana**

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

Contested Case Hearing Re Conservation  
District Use Application (CDUA) HA-3568  
for the Thirty Meter Telescope at the Mauna  
Kea Science Reserve, Ka'ohe,  
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02

Document title: NOTICE OF  
WITHDRAWAL OF FLORES-CASE  
'OHANA'S MOTION FOR 30 DAY  
EXTENSION OF START OF  
CONTESTED CASE HEARING; FLORES-  
CASE 'OHANA'S POSITION  
STATEMENT OF APPLICANT UHH'S  
STATEMENT OF POSITION RE  
SCHEDULING; CERTIFICATE OF  
SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated on October 17, 2016:

Carlsmith Ball LLP  
[isandison@carlsmith.com](mailto:isandison@carlsmith.com)  
[tluikwan@carlsmith.com](mailto:tluikwan@carlsmith.com)  
[jpm@carlsmith.com](mailto:jpm@carlsmith.com)  
[lmcaneley@carlsmith.com](mailto:lmcaneley@carlsmith.com)  
*Counsels for the applicant University  
of Hawai'i at Hilo*

Kealoha Pisciotta and Mauna Kea  
Anaina Hou  
[keomaivg@gmail.com](mailto:keomaivg@gmail.com)

Clarence Kukauakahi Ching  
[kahiwal@cs.com](mailto:kahiwal@cs.com)

Flores-Case 'Ohana  
E. Kalani Flores  
[ekflores@hawaiiintel.net](mailto:ekflores@hawaiiintel.net)

B. Pualani Case  
[puacase@hawaiiintel.net](mailto:puacase@hawaiiintel.net)

Deborah J. Ward  
[cordylinecolor@gmail.com](mailto:cordylinecolor@gmail.com)

Paul K. Neves  
[kealiikea@yahoo.com](mailto:kealiikea@yahoo.com)

Kahea: The Environmental Alliance  
c.o. Bianca Isaki  
[bianca@kahea.org](mailto:bianca@kahea.org)

Watanabe Ing LLP  
[rshinyama@wik.com](mailto:rshinyama@wik.com)

[douging@wik.com](mailto:douging@wik.com)  
*Counsels for TMT International  
Observatory, LLC*

Harry Fergerstrom  
P.O. Box 951  
Kurtistown, HI 96760

Mehana Kihoi  
[uhiwai@live.com](mailto:uhiwai@live.com)

C. M. Kaho'okahi Kanuha  
[kahookahi@gmail.com](mailto:kahookahi@gmail.com)

Joseph Kualii Lindsey Camara  
[kualiic@hotmail.com](mailto:kualiic@hotmail.com)

Torkildson, Katz, Moore, Hetherington  
& Harris  
[isa@torkildson.com](mailto:isa@torkildson.com)  
[njc@torkildson.com](mailto:njc@torkildson.com)  
*Counsels for Perpetuating Unique  
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm  
[leinaala.mauna@gmail.com](mailto:leinaala.mauna@gmail.com)

Maelani Lee  
[maelanilee@yahoo.com](mailto:maelanilee@yahoo.com)

Lanny Alan Sinkin  
[lanny.sinkin@gmail.com](mailto:lanny.sinkin@gmail.com)  
*Representative for The Temple of Lono*

Kalikolehua Kanaele  
[akulele@yahoo.com](mailto:akulele@yahoo.com)

Stephanie-Malia:Tabbada  
[s.tabbada@hawaiiintel.net](mailto:s.tabbada@hawaiiintel.net)

Tiffnie Kakalia  
[tiffniekakalia@gmail.com](mailto:tiffniekakalia@gmail.com)

Glen Kila  
[makakila@gmail.com](mailto:makakila@gmail.com)

Dwight J. Vicente  
2608 Ainaola Drive  
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha  
[brannonk@hawaii.edu](mailto:brannonk@hawaii.edu)

Cindy Freitas  
[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

William Freitas  
[pohaku7@yahoo.com](mailto:pohaku7@yahoo.com)

Yuklin Aluli, Esq.  
Law Offices of Yuklin Aluli  
[yuklin@kailualaw.com](mailto:yuklin@kailualaw.com)  
Dexter Kaiama, Esq.  
Law Offices of Dexter K. Kaiama  
[cdexk@hotmail.com](mailto:cdexk@hotmail.com)  
*Counsels for KAHEA: THE  
ENVIRONMENTAL ALLIANCE*

Wilma H. Holi  
P. O. Box 368  
Hanapepe, HI 96716  
*Witness for the Hearing Officer*

Ivy McIntosh  
[3popoki@gmail.com](mailto:3popoki@gmail.com)  
*Witness for the Hearing Officer*

Moses Kealamakia Jr.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)  
*Witness for the Hearing Officer*

Patricia P. Ikeda  
[peheakeanila@gmail.com](mailto:peheakeanila@gmail.com)  
*Witness for the Hearing Officer*

Michael Cain  
Office of Conservation and Coastal Lands  
1151 Punchbowl Street, Room 131  
Honolulu, HI 96813  
[michael.cain@hawaii.gov](mailto:michael.cain@hawaii.gov)  
*Custodian of the Records*  
*(original + digital copy)*

DLNR Office of Conservation and Coastal Lands  
("OCCL")  
[dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov)

DATED: Pu'ukapu, Hawai'i, October 17, 2016



---

**E. Kalani Flores**  
**Representing Flores-Case 'Ohana**