

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF)	CASE NO. BLNR-CC-16-002
)	
Contested Case Hearing Re Conservation District)	Minute Order No. <u>82</u>
Use Application (CDUA) HA-3568 For the)	(Order Denying Dight (sic)
Thirty Meter Telescope at the Mauna Kea Science)	Vicente's Motion for Stay
Reserve, Ka`ohe Mauka, Hamakua, Hawai`i)	Finding of Fact Conclusion
TMK (3) 4-4-015:009)	of Law (Doc. 658))
)	
_____)	Certificate of Service

MINUTE ORDER NO. 82
**(Order Denying Dight (sic) Vicente's Motion for Stay Finding
of Fact Conclusion of Law (Doc. 658))**

Dwight Vicente filed his Dight (sic) Vicente's Motion for Stay Finding of Fact Conclusion of Law (Doc. 658), on May 29, 2017 (“Motion”). In addition to the Motion, the following submissions were considered:

Doc. #	Filed	Party	Title
678	2-Jun-17	TIO	TMT International Observatory, LLC's Opposition to Dwight Vicente's Motion for Stay Finding of Fact Conclusion of Law Dated May 28, 2017 [Doc. No. 658]
680	2-Jun-17	UHH	The University of Hawaii at Hilo Joinder to TMT International Observatory, LLC's Opposition to Dwight Vicente's Motion for Stay Finding of Fact Conclusion of Law Dated May 28, 2017 [Doc. No. 658]

By this Motion, Mr. Vicente seeks “a Stay of the Finding of FACT CONCLUSION OF LAW.” Doc. 658 at page 1. The basis of his request is that he believes he was “denied the Right to question the UH General Lease No. S-4191 and TMT sub lease.” Doc. 658 at page 1. Mr. Vicente asserts that: “For these historical reasons my motion for a stay should be granted until

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 June 12 9:40 pm

such time I'd be able question [sic] the lease. I reserve the right to raise constitutional question in the U.S. District Court." Doc. 658 at page 3.

TIO opposes Vicente's Motion because TIO believes the Motion reargues issues that were ruled upon many times during the course of the contested case hearing. TIO asserts that the Motion is untimely, does not meet the standards for reconsideration and fails to establish that a "substantial injustice" will occur if a stay is not granted. Doc. 678 at pp. 2-4. UHH filed a simple joinder to TIO's opposition.

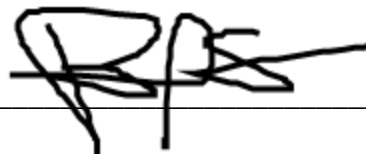
The arguments presented by Dwight Vicente in support of the Motion are redundant with the opinions he has expressed throughout this contested case hearing, including in his "Objection to PUEO's motion to set the issues [Doc-99]." Doc. 272. The issues set for the contested case hearing and specific issues that would not be addressed, are spelled out in Minute Order No. 19, filed on September 23, 2016. Doc. 281. Mr. Vicente's position is that the included and excluded issues in Minute Order No. 19 are inapposite to the issues he believes should be part of this contested case hearing.

The Motion offers no legal authority to support granting a stay. There are no articulated grounds for a stay of the Findings of Fact/Conclusions of Law.

Based upon the Motion, all related submissions from counsels and/or parties, all applicable law, the entire record having been considered by the Hearing Officer,

IT IS HEREBY ORDERED that the Motion is DENIED.

DATED: Honolulu, Hawai'i, June 13, 2017.



Judge Riki May Amano (Ret.)
Hearing Officer

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'ohē Mauka,
Hāmākua, Hawai'i, TMK (3) 4-4-015:009

BLNR Contested Case HA-16-02
Document title: **Minute Orders 74-82**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced documents were served upon the following parties by email (when indicated) on June 13, 2017 and by regular mail on June 13, 2017:

Carlsmith Ball LLP
Ian Sandison, John P. Manaut, Lindsay N. McAneeley
1001 Bishop Street
ASB Tower, Suite 2200
Honolulu, HI 96813
isandison@carlsmith.com
jpm@carlsmith.com
lmcaneley@carlsmith.com
Counsel for the Applicant University of Hawai'i at Hilo

Law Offices of Yuklin Alulu
415-C Uluniu Street
Kailua, HI 96734
yuklin@kailualaw.com
Co-Counsel for Kahea

Dexter K. Kaiama
111 Hekili Street, #A1607
Kailua, HI 96734
cdex@hotmail.com
Co-Counsel for Kahea

Kealoha Pisciotta and Mauna Kea Anaina Hou
PO Box 5864
Hilo, HI 96720
keomaivg@gmail.com

Clarence Kukauakahi Ching
64-823 Mamalahoa Hywy
Kamuela HI 96743
kahiwaL@cs.com

Flores-Case 'Ohana
E. Kalani Flores, B. Pualani Case
PO Box 6918
Kamuela, HI 96743
ekflores@hawaiiantel.net

Deborah J. Ward
PO Box 918
Kurtistown, HI 96760
cordylinecolor@gmail.com

Paul K. Neves
380 Nahale-a Avenue
Hilo, HI 96720
kealiikea@yahoo.com

Watanabe Ing LLP
J. Douglas Ing, Ross T. Shinyama, Summer H. Kiawe
First Hawaiian Center 999 Bishop Street, 23rd Floor
Honolulu, HI 96813
rshinyama@wik.com
douging@wik.com
Counsel for TMT International Observatory, LLC

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

Mehana Kihoi
PO Box 393
Honaunau, HI 96726
uhiwai@live.com

C. M. Kaho'okahi Kanuha
77-6504 Maile St
Kailua Kona, HI 96740
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
192 Kualua Pl.
Hilo, 96720
kualiic@hotmail.com

Torkildson, Katz, Moore, Hetherington & Harris
Attn: Lincoln S. T. Ashida
120 Pauahi Street, Suite 312
Hilo, HI 96720-3084
lsa@torkildson.com
nic@torkildson.com
*Counsel for Perpetuating Unique Educational
Opportunities (PUEO)*

J. Leina'ala Sleightholm
P.O. Box 383035
Waikoloa, HI 96738
leinaala.mauna@gmail.com

Lanny Alan Sinkin
1429 North 17th Street
Bismarck, North Dakota 58501-2858
lanny.sinkin@gmail.com
Representative for The Temple of Lono

Kalikolehua Kanaele
4 Spring Street
Hilo, HI 96720
akulele@yahoo.com

Stephanie-Malia:Tabbada
P O Box 194,
Naalehu, HI 96772
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
549 E. Kahaopea St.
Hilo, HI 96720
tiffniekakalia@gmail.com

Glen Kila
89-530 Mokiawe Street
Waianae, HI 96792
makakila@gmail.com

Dwight J. Vicente
2608 Ainaola Drive
Hilo, Hawaiian Kingdom

Brannon Kamahana Kealoha
89-564 Mokiawe Street
Nanakuli, HI 96792
brannonk@hawaii.edu

Cindy Freitas
PO Box 4650
Kailua Kona, HI 96745
hanahanai@hawaii.rr.com

William Freitas
PO Box 4650
Kailua Kona, HI 96745
pohaku7@yahoo.com

Wilma H. Holi
P. O. Box 368
Hanapepe, HI 96716
w_holi@hotmail.com
Hearing Officer's witness

Moses Kealamakia Jr.
1059 Puku Street
Hilo, HI 96720
mkealama@yahoo.com
Hearing Officer's witness

Signature:

Name: Michael Cain

Date:


June 13 2017