

**BOARD OF LAND AND NATURAL RESOURCES
HAWAIIAN KINGDOM**

IN THE MATTER of Contested Case Hearing Re)	Case No. BLNR-CC-16-002
Conservation District Use Application)	
(CDUA) HA-3568 For the Thirty Meter)	OBJECTION TO UNIVERSITY OF
Telescope at the Mauna Kea Science Reserve,)	HAWAII AT HILO AND TMT
Ka'ohe Mauka, Hamakua, Hawaii, TMK (3))	INTERNATIONAL
404015:009)	OBSERVATORY, LLC'S JOINT
)	(PROPOSED) FINDING OF FACT,
)	CONCLUSION OF LAW,
)	DECISION AND ORDER

**OBJECTION TO UNIVERSITY OF HAWAII AT HILO AND TMT INTERNATIONAL
OBSERVATORY, LLC'S JOINT (PROPOSED) FINDING OF FACT, CONCLUSION OF LAW,
DECISION AND ORDER**

I, Dwight J. Vicente, object to the UHH and TMT PROPOSED FINDING OF FACT CONCLUSIONS OF LAW, AND DECISION AND ORDER. The introduction, I THE PARTIES, page 4, # 26, I object to being called a native Hawaiian. It's like I'm a man without a country, or the word Indian in the Northwest Ordinance, that is limited to the Ohio River Valley, your rights depends on the whims of the 13 United States. This is a fact in this case that needs to be dealt with. You may call others native Hawaiian, they may except it, but knowing what I know, I don't except being called a native Hawaiian. I belong to a country, The Hawaiian Kingdom, In this case I represent the Hawaiian Kingdom.

On page 5, # 37, I object to Minute Order No. 1, Riki May Amano, the Hearing Officer, as a matter of law is a Japanese National. There is a conflict of interest, one of the members of TMT, is Japan. Treaties between the Hawaiian Kingdom and Japan ended in 1897. In 1898, by joint resolution, the U.S. Congress extend their Treaties, with Japan, to this Kingdom. For the record Japan's Constitution is written by Gen. Douglas MacArthur. She needs to deal with that issue, with the United States, so this Kingdom and Japan can once again establish treaty relation.

II. PROCEDURAL HISTORY: PRE-HEARING, B. MOTION TO INTERVENE

Page 5, at # 42, I object to the following parties TIO/ TMT, PUEO, as for TIO/ TMT they represent foreign nations that have no Treaties with this Kingdom at the present time, no right to contract, Mauna Kea is Government Lands. It turns out that, PUEO, was nothing more than cheerleaders for UH and TMT, a front to deny me the right to question the history of this Kingdom, from 1820 to the present day. PUEO is not an injured party and did not have any standing. PUEO should not have been allowed to be a party to this case only to control the out come in favor of UH and TMT. As far as I know, PUEO has been silent since the Hearing.

Received
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
2017 June 13 8:26 am

D. SETTING THE ISSUES

Page 8, at # 62 I OBEECT to PUEO to SET the issues (Doc. 99), at # 66 Minute Order No. 19, PUEO limited the issues to the Northwest Ordinance of 1787, U.S. Constitution Article 4 Sec 3 Clause 2. A, b, c, and at # 67, Minute Order No. 19, ruled that the following issues were not to be addressed, a, b, c. this in itself violated the right to due process.

III. PROCEDURAL HISTORY: HEARING

Page 11, at 91, I object to UHH offering Mr. White as a witness in land use planning and analysis, this is based on land speculation, to occupy lands outside the 13 United States, limited to the Ohio River Valley, Northwest Ordinance of 1787, this Kingdom, contracts it's Crown and Government Lands, for a twenty five year term. Land speculation does not apply. When ask, Mr. White did not know that appointed Gov. Frear, in 1909, by proclamation declared Mauna Kea a Forest Reserved. US Dept. of Interior. Mauna Kea remains to be Government Lands in this Kingdom. Page 13 at #103 to the exclusion of Chang's testimony and at 104 object to PUEO'S witnesses has no standing.

I. THE DEVELOPMENT OF MODERN ASTRONOMY ON MAUNA KEA

A. The General Lease, The Mauna Kea Science Reserve, and The University Management Area. Starting with the lease the 1968 General Lease is defected.

Page 14, at 113. Minute Order 19, I object to it preventing me from challenging the General Lease No. S- 4191. Mauna Kea remains as Government Lands, of this Kingdom. These lands would be leased for 25 years, subject to native rights. To Lease these lands, in any other name, would be fraud.

Page 15 B. The Development of Modern Astronomy Facilities on Mauna Kea prior to 2000

At page 119. A list of all the telescopes, all are foreign, the TMT will be no different.

Page 156 IV. PUBLIC TRUST DOCTRINE

At page 1001 Mr. Callies proclaims to be a Prof. of law, an expert in planning and land use in Hawaii. He must be confused, this is The Hawaiian Kingdom, and the land titles are Crown and Government lands. These lands are issued by 25 year contract. There is no land speculation in this Kingdom, like the Indian lands in the Ohio River Valley. The Public Trust Doctrine does not apply.

Conclusions of Law

II. Jurisdiction

I object to the CDUA, it is based on Article 4 Sec. 3 Clause 2 of the U.S. Constitution, this is limited to the Northwest Ordinance of 1787 only. The case law cited in this hearing are just that. No. 14 The State of Hawaii has title to 1.8 Million Acres of Hawaiian Home Lands. This is false Title that create false jurisdiction. This opens the questions to title and rightfully so. The lands remain Crown and Government Lands that belongs to The Hawaiian Kingdom. In 1898 the U.S. Congress by joint resolution, stated that this Kingdoms Crown and Government lands, became a part of the Ohio River

Valley. EX Parte Edwards 13 Haw. 32. This created a false Jurisdiction, under Article 4 Sec. 3 Clause 2 U.S. Constitution. This clause is limited to Article 5 Northwest Ordinance 1787. The U.S. Congress also continued the 1875 Reciprocity Treaty, as amended 1887, with this Kingdom, long after its term ended in 1894. Peacock & Co. v. Rep. Haw. 12 Haw. 40, Rep. Haw. v. Edwards 12 Haw. 55. The case cited Hawaii v Office of Hawaiian Affairs, 556 U.S. 163. The U.S. Courts Jurisdiction is limited to Article 1 Sec. 2 Clause 3, U.S. Constitution. The other case Sai v. Clinton, 778 F. Supp.2d, raise the political question. This is a good case to raise the political question over this Kingdoms Crown and Government Lands. The U.S. is a nation of 13 states, there is no amendment to the U.S. Constitution. Both countries are recognized by Treaty, back in 1875. The constitutional question, does the treaty violate the sovereignty of the other country, the answer should be yes. The violations can be found as far back as 1820. Then President Monroe, sent Mr. John C. Jones in the capacity of "Agent of the United States for commerce and seamen." This is for the supervision of the Missionary Families and the U.S. Navy to these Islands, there was no treaty in place. This expansion is based on the Northwest Ordinance of 1787. All though it was superseded by Article 4 Sec. 3 Clause 2. The U.S. still applies this Ordinance today, to countries around the world, Oliver North testified at the Iran/Contra, Congressional hearings, to that effect. The Hawaiian Kingdom, Japan, Germany, Guam, and many others. The U.S. military occupy many of these countries in violation of Article 1 Sec. 2 Clause 3, Article 1 Sec. 8, U.S. Constitution and the limited jurisdiction of their courts over the 13 United States. Because this case raises the political question, that rightfully belongs to The Hawaiian Kingdom, on behalf of this Kingdom. The UH and TMT PROPOSED FINDING OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER, for my reasons stated, it should be denied. And this Kingdom should take it's right fully place in the family of nations.

Dated: June 11, 2017

Under protest, All rights reserved,


Dwight J. Vicente

CERTIFICATE OF SERVICE

I, **Dwight J. Vicente** hereby certify that a true and correct copy of the foregoing was served upon the following parties by the means indicated:

Michael Cain
Office of Conservation and Coastal
Lands
1151 Punchbowl, Room 131
Honolulu, Hawaiian Kingdom
michael.cain@hawaii.gov
dlnr.maunakea@hawaii.gov
Custodian of the Records
(original + digital copy)

Judge Riki May Amano (Ret.)
rma3cc@yahoo.com
Hearing Officer

Attorney General Office
julie.h.china@hawaii.gov
harvey.e.hendersonjr@hawaii.gov
*Counsel for the Board of Land and
Natural Resources*

Carlsmith Ball LLP
isandison@carlsmith.com
tluikwan@carlsmith.com
jpm@carlsmith.com
lmcanceeley@carlsmith.com
*Counsel for the applicant of the
University of Hawai'i at Hilo*

Watanabe Ing, LLP
rshinyama@wik.com
douging@wik.com
*Counsel for TMT International
Observatory, LLC*

Harry Fergerstrom
P.O. Box 951
Kurtistown, HI 96760
hankhawaiian@yahoo.com

Richard L DeLeon
kekaukike@msn.com

Mehana Kihoi
uhiwai@live.com

C. M. Kaho'okahi Kanuha
kahookahi@gmail.com

Joseph Kualii Lindsey Camara
kualiic@hotmail.com

Torkildson, Katz, Moore,
Hetherington & Harris
Isa@torkildson.com
njc@torkildson.com
*Counsel for Perpetuating Unique
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm
leina.ala.s808@gmail.com

Maelani Lee
maelanilee@yahoo.com

Lanny Alan Sinkin
lanny.sinkin@gmail.com
*Representative for The Temple of
Lono*

Kalikolehua Kanaele
akulele@yahoo.com

Stephanie-Malia:Tabbada
s.tabbada@hawaiiantel.net

Tiffnie Kakalia
tiffniekakalia@gmail.com

Glen Kila
makakila@gmail.com

Brannon Kamahana Kealoha
brannonk@hawaii.edu

Cindy Freitas
hanahanai@hawaii.rr.com

William Freitas
pohaku7@yahoo.com

Wilma H. Holu
P.O. Box 368
Hanapepe, HI 96716

Ivy McIntosh
3popoki@gmail.com

Moses Kealamakia Jr.
mkealama@yahoo.com

Crystal F. West
crystalinx@yahoo.com

Patricia P. Ikeda
peheakeanila@gmail.com

Flores-Case Ohana
ekflores@hawaiiantel.net
puacase@hawaiiantel.net

Paul K. Neves
kealiikea@yahoo.com

Kealoha Pisciotto and Mauna Kea
Anaina Hou
keomaivg@gmail.com

Deborah J. Ward
cordylinecolor@gmail.com

Clarence Kukauakahi Ching
kahiwaL@cs.com

Yuklin Aluli, Esq.
yuklin@kailualaw.com
Dexter K. Kaiama, Esq.
cdexk@hotmail.com
Co-Counsels for Petitioner
KAHEA: The Hawaiian
Environmental Alliance, a
domestic non-profit Corporation

DATED: this 11th day of June 2017.

Under protest, All rights reserved,


Dwight J. Vicente
In Pro Se