

**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 )	EXCEPTION TO
Telescope at the Mauna Kea Science Reserve, )	RECOMMENDATION
Ka'ohē Mauka, Hamakua, Hawaii, TMK (3) )	
404015:009 )	
_____ )	

**EXCEPTION TO RECOMMENDATIONS**

I take exception to the fact that, this case rests on Article 4 sec. 3 clause 2 of the U.S. Constitution, Sai v. Clinton, 778 F.Supp. 2d 1, 6 (D.D.C.2011). Page 198 at16. This clause is limited to Article 5 of the Northwest Ordinance of 1787. With the Reciprocity Treaty of 1875, between The Hawaiian Kingdom and the United States, as amended in 1887, continued after its term ended in 1894 by the Republic of Hawaii, that also claim the Crown and Government lands to be Public Lands and in 1898, the U.S. Congress by a joint resolution continued that 1875 Reciprocity Treaty and also claim to have annex this Kingdoms Crown and Government lands as apart of Article 5 of the Northwest Ordinance of 1787, this is limited to the Ohio River Valley. There is no amendment to the U.S. Constitution to add any more lands to Article 4 Sec. 3 Clause 2 of the U.S. Constitution, Marbury v. Madison Cranch 1 page 137. This is how all of these false Jurisdictions have taken effect. 1909 appointed Govenor Frear proclaimed Mauna Kea to be a Forest Reserve. In 1920 U.S. Congress named 1. 8 Million acres of Crown and Government lands, Hawaiian Home Lands / Public Lands. The case law cited on page 210 to 215, is all based on land speculation, this include the Eight Criteria Article 4 Sec. 3 Clause 2 U.S. Constitution. I take exception to Page 19, at 71 to 76. Limiting the questions, Minute Order 19. All the while UH made false claims, the equal footing State of Hawaii has legal title to the Crown and Government lands, yet there is no amendment to the U.S. Constitution to that effect and the UH has a valid lease, for the lands of Mauna Kea. This is false, if there is to be any justice in these case, these questions should be made a part of this case. I take exception on Page 206 to 260, all of these sited on these pages reflect, the continued use of The Northwest Ordinance of 1787, this Kingdom. Riki May Amano placed her signature on page 263 knowing that she is a Japanese National and she has a conflict of interest, because Japan is one of the countries that make up the TMT. This case has been a sham, it presents a number of U.S. Constitutional questions, I reserve my right to move this case to the U.S. Court.

Dated: August 18, 2017

Under protest, All rights reserved,

\_\_\_\_\_  
Dwight J. Vicente

Received  
Office of Conservation and Coastal Lands  
Department of Land and Natural Resources  
State of Hawaii  
2017 August 21 4:35 pm

**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](mailto:michael.cain@hawaii.gov)  
[dlnr.maunakea@hawaii.gov](mailto:dlnr.maunakea@hawaii.gov)  
*Custodian of the Records*  
*(original + digital copy)*

Judge Riki May Amano (Ret.)  
[rma3cc@yahoo.com](mailto:rma3cc@yahoo.com)  
*Hearing Officer*

Attorney General Office  
[julie.h.china@hawaii.gov](mailto:julie.h.china@hawaii.gov)  
[harvey.e.hendersonjr@hawaii.gov](mailto:harvey.e.hendersonjr@hawaii.gov)  
*Counsel for the Board of Land and  
Natural Resources*

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

Watanabe Ing, LLP  
[rshinyama@wik.com](mailto:rshinyama@wik.com)  
[douging@wik.com](mailto:douging@wik.com)  
*Counsel for TMT International  
Observatory, LLC*

Harry Fegerstrom  
P.O. Box 951  
Kurtistown, HI 96760  
[hankhawaiian@yahoo.com](mailto:hankhawaiian@yahoo.com)

Richard L DeLeon  
[kekaukike@msn.com](mailto:kekaukike@msn.com)

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)  
*Counsel for Perpetuating Unique  
Educational Opportunities (PUEO)*

J. Leina'ala Sleightholm  
[leina.ala.s808@gmail.com](mailto:leina.ala.s808@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@hawaiiantel.net](mailto:s.tabbada@hawaiiantel.net)

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

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

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)

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

Ivy McIntosh  
[3popoki@gmail.com](mailto:3popoki@gmail.com)

Moses Kealamakia Jr.  
[mkealama@yahoo.com](mailto:mkealama@yahoo.com)

Crystal F. West  
[crystalinx@yahoo.com](mailto:crystalinx@yahoo.com)

Patricia P. Ikeda  
[peheakeanila@gmail.com](mailto:peheakeanila@gmail.com)

Flores-Case Ohana  
[ekflores@hawaiiantel.net](mailto:ekflores@hawaiiantel.net)  
[puacase@hawaiiantel.net](mailto:puacase@hawaiiantel.net)

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

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

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

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

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

DATED: this 18<sup>th</sup> day of August 2017.

Under protest, All rights reserved,

Dwight J. Vicente  
In Pro Se