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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

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

**JOSEPH K. L. CAMARA'S JOINDER TO
RICHARD NAIWIEHA WURDERMAN'S
MOTION TO STRIKE CONSERVATION
DISTRICT USE APPLICATION, HA-3568
DATED SEPTEMBER 2 2010, AND/OR
MOTION FOR SUMMARY JUDGEMENT**

**JOSEPH K. L. CAMARA'S JOINDER TO RICHARD NAIWIEHA WURDERMAN'S MOTION TO
STRIKE CONSERVATION DISTRICT USE APPLICATION, HA-3568 DATED SEPTEMBER 2 2010,
AND/OR MOTION FOR SUMMARY JUDGEMENT**

Comes now Joseph K. L. Camara and hereby joins Richard Naiwieha Wurdeman, Attorney for Petitioners, Motion to Strike Conservation District Use Application, HA-3568 Dated September 2, 2010, And/Or Motion for Summary Judgement (TMT-DOC-94).

I agree with the arguments posed by Attorney Wurdeman and assert that the proper Conservation District Use Application (CDUA) process has not been followed and CDUA HA-3568 should be considered invalid.

Beyond the arguments posed by Attorney Wurdeman, The CDUA process commenced after, and is contingent to Thirty Meter Telescope (TMT) Project Chapter 343 Final Environmental Impact Statement (EIS) (DOC R-2,3,4,5), and former Governor Lingle's acceptance of aforementioned EIS (DOC R-6). I formerly request that the validity of this Final EIS be reconsidered. My opinions and reasoning for such action is discussed below.

I. DISCUSSION

- a. The TMT Project Final EIS is dated April 26, 2010 and former Governor Lingle's acceptance of this EIS is dated May 19, 2010. It is now August 2016 and construction has still, not commenced. I have not found an explicit expiration for an EIS set forth in HRS Chapter 343, but the environmental conditions surrounding any proposed project inexorably change, and these changes must be considered to accurately quantify the impact the project will have on the environment. Some of these changes that have not been addressed in the currently accepted EIS and that I, with my limited experience can identify are:

1. An increased awareness of the significance of the upper regions of Maunakea. Speaking from personal experience, there has been an increased presence, use by practitioners, understanding and appreciation for the sacred areas of Maunakea since the finalization and acceptance of the EIS. Over the past 6 years members of the community have been connecting to the landscape through traditional practice as well as new and meaningful ways. I also feel that people are becoming better and more comfortable articulating their personal connections to these lands. It is impossible for me to quantify these experiences, but I am positive that if a new EIS was done, it would identify many significant impacts that were not considered by the current EIS.

2. New and difficult to detect invasive species. Every year the Island of Hawaii seems to be inundated with a new, ecosystem altering invasive species. Natural Resource Management must constantly adapt to prevent the spread of these pests. Two specific invasive species that have emerged or become more prevalent since 2010 and threaten the native ecosystems of Maunakea are the Little Red Fire Ant (LFA) and the Ceratocystis fimbriata fungus, also known as Rapid Ohia Death (ROD). Both of these invasive species are present in Panaewa and Keaau, common quarry sites for fill needed to mix the concrete needed to construct TMT. It is foreseeable for these species to be in the vicinity of all quarries on Hawaii Island in the near future. The LFA is a tiny ant, barely detectable to the naked eye. The ROD fungus is a microorganism and by definition undetectable to naked eye. It would be difficult if not impossible for a biologist to thoroughly inspect a truckload of 15 tons of base course for these two pests. It would be hard to control the spread of these pests in normal day to day operations and a task of monumental proportions to assure their absence when moving materials and during construction of this project. There is also the possibility that new even harder to control invasive species may be present on Hawaii Island in the years that it would take proposed construction to be finished.

3. Increased activity and safety concerns on Maunakea Access Road. Over the past year and a half there has been an increase presence by the community along Maunakea access road from the junction at Puu Huluhulu, all the way up to the proposed TMT site. Trucks with heavy loads that are not able to turn around pose a major threat to life and safety of drivers and pedestrians alike. Individuals denying construction vehicles access to the summit to protect the mountain from desecration have been found not guilty of obstruction in Hawaiian courts. Individuals could foreseeably deny access to construction vehicles again. Regardless of who is right or wrong in the eyes of the law, this is a human life safety impact that has not been addressed by the current EIS.

- b. Many Significant, adverse and cumulative impacts have already been identified and quantified in the numerous EAs, EISs, Comprehensive Management Plans, Audits and Cultural Management Plans done in the past relating to astronomy on Maunakea.

II. Conclusions

It is my humble opinion that there are many significant, adverse, and cumulative impacts that have not been considered by the current EIS. I will try my best to articulate in this contested court process how this proposed project will impact my family and our use of the sacred areas of Maunakea, but I am only 1 man. This process is very time consuming, stressful and demanding for myself and all parties involved. Through this process I expect to have my personal, cultural, religious and spiritual beliefs scrutinized, ridiculed, and otherwise devalued through cross examination by highly paid lawyers. I do not feel that this is fair or just treatment for me or those witnesses testifying in my behalf to endure, but this is the only available venue left for us to voice

our concern. I believe the most efficient, cost effective, productive, fair, inviting and non-intrusive method for obtaining testimony on the impacts of the proposed TMT project on Maunakea would be to conduct a new EIS and allow for public testimony. It is also my belief that proceeding any further in this CDUA-HA-3865 process without further testimony on impacts would be uninformed, irresponsible and unjust.

Me ke aloha aina,

Joseph K. L. Camara _____

Hilo, Hawaii _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above referenced document was served upon the following parties by the means indicated:

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