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Direct Written Testimony
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KAHEA: The Hawaiian-Environmental Alliance

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY &

TRADITIONAL RIGHTS AND

OUR FRAGILE

ENVIRONMENT

My name is Marti Townsend. I graduated from the University of Hawai'i William S. Richardson School of Law with a Certificate in Environmental Law. My professional career has focused on improving implementation of Hawai'i's environmental legal protections and educating Hawai'i's communities about those environmental protections. I served as staff for KAHEA: The Hawaiian-Environmental Alliance from 2005 to 2012; from 2007 through 2011, I was the Program Director; from 2011-2012 I was the interim Executive Director. Currently, I serve on KAHEA's Board of Directors in a volunteer capacity.

KAHEA has been working with local communities to protect the unique natural and cultural resources of Mauna Kea since 2001. KAHEA is a community-based organization working to improve the quality of life for Hawai'i's people and future generations through the revitalization and protection of Hawai'i's unique natural and cultural resources. We advocate for the proper stewardship of our resources and for social responsibility by promoting cultural understanding and environmental justice.

KAHEA has over 13,000 supporters, including our active listserv subscribers and social media followers. Many of our supporters are concerned about the environmental and cultural impacts of the proposed Thirty-Meter Telescope (TMT) on Mauna Kea. KAHEA, and our supporters, are also concerned about ensuring the proper procedural protections are afforded to Mauna Kea and communities who recreate, enjoy, study, and engage traditional and customary practices there.

In 2009, KAHEA received from the University of Hawai'i at Hilo (UHH) Institute for Astronomy copies of several subleases for telescope facilities in the Mauna Kea conservation district. Some of these documents are entitled "Sublease," others are entitled "Agreement." Many of the documents include maps denoting the metes and bounds of the land area to be demised. All of the documents discuss the demise of land in the Mauna Kea conservation district as a consequence of telescope facilities uses and subdivisions of the lands leased by UHH. All of the documents concern rent, exchange of promises between the telescope owner and UHH, and the respective property rights of the parties. All of the documents are signed by representatives of the telescope owner, UHH, and the DLNR.

On February 25, 2011, I attended the Board of Land and Natural Resources' (BLNR) public hearing in Honolulu, where UHH's Conservation District Use permit Application (CDUA) for the TMT project

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KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

was being considered. We heard several hours of testimony. At the close of public testimony, BLNR members posed questions about the CDUA to proponents of the project, including Sam Lemmo, Director of the DLNR Office of Conservation and Coastal Lands; Stephanie Nagata, Acting Director of the UHH Office of Mauna Kea Management, and Barry Taniguchi, of the Mauna Kea Management Board. Jon Osorio testified as a Board member of KAHEA. I, on behalf of KAHEA, requested a contested case hearing and this request, along with those of other Petitioners, was discussed as Item K-2 at the February 25, 2011 meeting.

On or about March 7, 2011, I followed up KAHEA's oral request for a contested case hearing with a written petition for a contested case hearing on behalf of KAHEA, which BLNR subsequently granted. I actively participated in the original contested case hearing on the TMT on behalf of KAHEA.

In June 2011, I traveled to the summit of Mauna Kea as part of a site visit for that contested case hearing. I observed that the landscape at the summit was dominated by industrial land uses, including many telescope facilities and ancillary structures. It was painful to see a sign at Hale Pohaku instructing people to leave the environment as they found it, but then experiencing so many modern structures that appeared neglected due to peeling paint and visible rust. Most buildings were identified by signs, many included signs that said "authorized personnel only." I also experienced heavy machinery, construction material, the clatter of telescope operations, and trafficked roads. The sound of machinery on the summit was particularly intrusive. It was challenging to find a place where the peaceful grandeur of Mauna Kea was not interrupted by the noise and unsightliness of the poorly maintained industrial land uses already on the summit.

I did, however, find one or two quiet places from which to enjoy the vast view from the northern edge of the summit. For example, by going around a chain-link fence to the back of the Keck telescopes, I could look out towards Maui and enjoy the beauty of this unique environment without any modern buildings in my view. I could see Mauna Loa, Hualalai, the shoreline down below, and Haleakala in the distance. This view of the northern plateau is the only place I found with a view uninterrupted by observatories or ancillary buildings. This northern plateau is the location proposed for the construction of the TMT.

Based on my examination of maps for the proposed TMT project and multiple viewplane simulations, it is indisputable that, if built, the TMT would obstruct the view of Maui and Haleakala. The view plane simulations include, but are not limited to:

- 1) a demonstration of the height of the proposed TMT presented during the June site visit, where a helium-filled balloon tied to a rope anchored at the proposed site for the TMT was allowed to float up to 187 feet into the air, the height of the proposed structure,
- 2) a demonstration of the girth of the proposed TMT offered by a project proponent on the site visit, who explained that my two thumbs held up and side-by-side while extending my arms directly in front my eyes provided a rough estimation of the size of the proposed structure, given the location where were standing, directly behind the Keck telescopes.

The simulations represented to me a proposed structure larger than any building I have experienced on the island of Hawai'i.

I observed, with concern, the batch plant staging area, which is proposed for us during TMT construction. At this location, I saw an old bulldozer, large spools of cabling, as well as evidence of recent earth-moving. There were piles of cinder (former Wekiu bug habitat) lining the northern outside border of the batch plant. There were also small gulches and rivets in the ground on the

western side of the batch plant that appeared to indicate erosion caused by water, headed in the direction of Lake Waiau. I note here that the telescopes use and sometimes spill hazardous materials at the summit. Based on reports from telescope operators, remediation of these spills is extremely difficult.

I also noticed trash blowing around the summit, batch plant, and Hale Pohaku areas. I found several large pieces of thin white plastic. When I attempted to pick up the pieces to put them in a trash bag, they crumbled into countless small pieces and blew away. I also found many foam insulation pieces, rebar, construction grade black plastic, and foam wrapped in aluminum-like material. This debris, which looked like material I would expect to find in a space shuttle, blew around the Mauna Kea conservation district which was established to protect the unique natural and cultural resources of this area.

The industrialization on the summit of Mauna Kea is not consistent with what I understand to be the purpose and goals of the conservation district. I concur with the finding of the National Aeronautics and Space Administration in their 2001 Environmental Impact Statement for the Outrigger Telescopes that the cumulative effect of telescope construction on Mauna Kea is having significant adverse impacts on the quality of the natural and cultural resources of the Mauna Kea conservation district.