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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

IN THE MATTER OF) Case No. BLNR-CC-16-002
)
) Written Direct of Testimony of
A Contested Case Hearing Re) Harry Fergerstrom; COS
Conservation District Use Permit)
(CDUP) HA-3568 for the Thirty)
Meter Telescope at the Mauna)
Science Reserve, Kaohe, Mauka,)
Hamakua District, Island of Hawaii) Hearings Officer: Riki M. Amano

WRITTEN DIRECT TESTIMONY OF HARRY FERGERSTROM

Now comes Harry Fergerstrom with a Written Direct
Testimony. It is my contention that the most striking problem and the
greatest infringement that happens on Mauna Kea is the Telescopes.

It is clear that a great deal of contention results from lack of
respect for Hawaiian Culture and it Religion. While Hawaiians have
for years shared with you the very sacredness of WAO AKUA, the
realm of the Gods. Regardless of this Historic Fact, the State Hawaii,

University of Hawaii, Office of Mauna Kea Management and now TMT along with their counsel insist that with all there studies and reports, that they somehow are above the Law and that there science is superior to the Sacredness of Mauna Kea, and that all other factors like Hawaiian Religious and Cultural practices are mere factors that can be simply mitigated.

You treat the Mauna Kea as if it were not a whole being. That you can simply segregate different sections of the Mountain, especially the summit and make small section from which you can make application in isolation as if it were not a part of the whole. You are mistaken.

Talking about the Thirty Meter Telescope in isolation is a slap in the face. It is an attempt to make in a separate part of Mauna Kea summit area that can and should be viewed in and of itself.

There are common factors that is claimed to not be a part of this CDUA, that and therefore outside the scope of direct testimony.

This has become extremely difficult to consider Mauna Kea as a whole being in such a way that each incremental step is taken without consideration to the effect to the whole.

The prior NASA EIS done for the Keck Outriggers was very clear. There are Severe, Adverse, and Cumulative Impacts/damages on Mauna Kea and adding to this problem with the addition of the Thirty Meter Telescope cannot have no significant impact.

I have come to the understanding that all this takes place, ONLY, because we have not found a way to stop you. That each little step you take gets larger and larger each time. You isolate yourselves from the whole so we can only talk about you in isolation. This must come to an END.

It is clear that the History of Mauna Kea shows that the Summit of Mauna Kea was considered the Realm of the Gods. That so sacred was the area that the presence of man was largely forbidden.

We could speak forever of our association with our Gods and the inseparableness of our people from our aina. How when we describe sacred places to you and explain their foundational connection to the very existence of the Hawaiian Culture... does that mean anything to you...? The answer is in your actions... that answer would be NO.

Having assessed the problem and going to the root Sources.... I've concluded that the only way to afford self-protection (Religious, Cultural, Tradition) is to insist that TITLE to lands on Mauna Kea be produced.

It has been claimed that the State of Hawaii has Ownership and Title to the summit of Mauna Kea. This is a clear fabrication.

Even without having to dig very deep, Mauna Kea is at minimum part of the Ceded Lands Trust, those lands belonging to the Hawaiian Kingdom Government, Crown and Government, and held in Trust by the State of Hawaii. A trustee cannot claim ownership to those lands held in trust.

In insistence on making claims to OWNERSHIP and TITLE has caused me to go a step further. There seems to be great emphasis on this move to claim outright those lands of the Hawaiian Kingdom.

This challenge of Title is very real.....the State of Hawaii through the University of Hawaii has the burden of proof to provide a legal instrument showing that the lands of Mauna Kea, belong to the State of Hawaii.

Ke Akua guides me in this effort to finally reach clarity. We will start here.

Dated this Day Nov. 14th, 2016


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