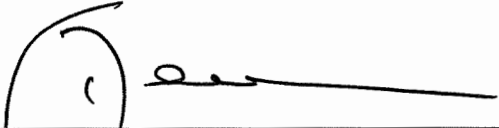


COMES NOW KAHEA: THE ENVIRONMENTAL ALLIANCE, by and through its above-named counsel, and hereby submits its Ninth Supplemental Exhibit (Exhibit B.57) Designation.

| Exhibit No. | Description | Rec'd Into Evidence |
|-------------|-------------------------------------|---------------------|
| B.57 | Brian Cruz Written Direct Testimony | |

DATED: Kailua, Hawaii, 1/17/17



Yuklin Aluli
Dexter K. Kaiama
Co-counsel for Petitioner KAHEA
The Hawaiian Environmental Alliance,
a domestic non-profit Corporation

Written Direct Testimony

Contested Case Hearing on the Conservation District Use Permit for the Thirty Meter Telescope
Brian Kawika Cruz, author of Thirty Meter Telescope Cultural Impact Assessment

My name is Brian Kawika Cruz, and I am the author of the 2009-2010 cultural impact assessment (CIA) for the Thirty Meter Telescope (TMT) (Exhibit B.44). I was assigned to the TMT CIA project in 2009 while I was working for Cultural Surveys Hawaii (CSH). Prior to working on this project, I completed numerous other CIAs in the State of Hawaii such as the Hawaii SuperFerry project for Nāwiliwili Harbor on the island of Kauaʻi and the Makakilo Drive Extension project for the north-south interchange in west Oʻahu. I am also a member of the Hui Aloha ʻĀina o Ka Lei Maile Aliʻi, a non-profit, culturally based organization; and I'm a member of Hui Mālama o Kaniakapūpū, the group that cares for Kamehameha III's summer palace in Nuʻuanu.

The purpose of writing this testimony is because I believe that the Environmental Review Process (Hawaii Revised Statute Chapter 343) for the TMT project was not properly conducted by the planning firm Parsons Brinckerhoff, the lead firm responsible for the overall environmental impact statement (EIS) for the TMT (Exhibit B.31-34). Specifically, the CIA component of the TMT Draft EIS (DEIS) (Exhibit B.45) that was published on May 23, 2009 by Parsons Brinckerhoff failed to include key results and recommendations that were included in the original draft CIA that was conducted and completed by CSH, and submitted to Parsons Brinckerhoff. Upon receipt of the completed draft CIA, Parsons Brinckerhoff, having reviewed the draft CIA, demanded that I remove my recommendation for "no further development" on Maunakea. The recommendation in question was presented in the original draft CIA as follows:

"Based on the majority view of participants in this current study who have voiced their concerns against proposed actions on Maunakea, it is recommended that Project proponents strongly consider no further development, including the TMT Observatory Project and the Mid-Level Support Facilities at Hale Pōhaku, take place on Maunakea.

Consequent to this determination of no action, it is further suggested that Project proponents consider alternative proposals and remediation measures suggested by CIA study participants (see Community Consultation Results above). ”

I refused to remove the recommendation because that was what the results were of my research. There was a tremendous amount of historical data and public input that indicated the extreme sacredness of Maunakea, a place that may be the most sacred place in Hawaii, a place most sacred to Hawaiian people. A “no further development” on Maunakea recommendation is strictly based on the data collected throughout the six-to-eight-month period that the research was conducted. With no cooperation from me to remove that recommendation from the draft CIA, Parsons Brinckerhoff removed all nine of my recommendations, and published the TMT DEIS (Exhibit B.45) on May 23, 2009 without my recommendations. Parsons Brinckerhoff published the DEIS for a 45-day public commentary period, in which the public did not see any of my recommendations that were based on the research conducted for this project.

During the 45 period, which included public hearings, written testimonies, and community meetings throughout the islands, not one single person could comment on my actual results and recommendations because they were removed by Parsons Brinckerhoff. I believe that if the public had a chance to see the actual results and recommendations, the 45-day public commentary period would have had much different results that would be potentially damaging to the TMT project’s construction permit approval. This type of data manipulation designed to circumvent the rules of the environmental review process caused me to save a digital copy of my original CIA because I felt the spirit of the process was invalidated. I did save the original CIA (Exhibit B.44) with the KAHEA Group just in case this project ever ended up in court.

Ironically, on May 8, 2010, Parsons Brinckerhoff submitted the Final EIS (FEIS) (Exhibit B.31-34) with my recommendations included as if it were there all along in both the DEIS (Exhibit B.45) and the FEIS (Exhibit B.31-34). Typically, a draft EIS is the exact same document as the final EIS, the exception is that the FEIS includes data collected from the 45-day public comment period. Viewing the two documents side by side – DEIS (Exhibit B.45) vs. FEIS (Exhibit B.31-34) – they are very different from each other. As I stated earlier, my section on

recommendations were removed from the draft CIA, and re-inserted into the final CIA. This would technically invalidate the overall Chapter 343 review process because the community did not get a chance to question my results and recommendations.

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAII

In the Matter of:) Case No. BLNR-CC-16-002
)
A Contested Case Hearing Re:) **CERTIFICATE OF SERVICE**
Conservation District Use Permit)
(COUP) HA-3568 for the Thirty Meter)
Telescope at the Mauna Kea Science)
Reserve, Kaohe Mauka, Hamakua)
District, Island of Hawai'i, TMK (3) 4-4-015:009)
_____)

CERTIFICATE OF SERVICE

We hereby certify that a copy of the foregoing was served on the following via email unless otherwise specified below:

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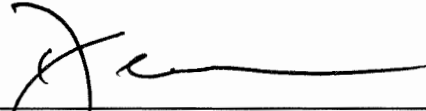
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