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Pre-Hearing Statement
Case No. BLNR-CC-16-002

BOARD OF LAND AND NATURAL RESOURCES
STATE OF HAWAII

IN THE MATTER OF

CASE NO. BLNR-CC-16-002

A Contested Case Hearing Re. Conservation
District Use Application (CDUA) HA-3568 for
The Thirty Meter Telescope at Mauna Kea
Science Reserve, Ka'ohe Mauka, Hamakua,
Hawai'i TMK (3) 4-4-015:009

J. LEINA'ALA SLEIGHTHOLM'S
PRE-HEARING STATEMENT

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INTRODUCTION:

“O Wai La?” Who are you.....

This is traditional Hawaiian thinking as I've learned it, and fundamental in the forward movement, and personal discovery of who each of us are as individuals, and our function and purpose. Not only do we ask, who we are, but where and whom we come from. In the quest to answer this seemingly simple question, it is necessary for us to go back to our sacred places, and have an active relationship with them.

My name is Jennifer Leina'alakakaulani Sleightholm. I am a 42 y.o. mother of five children ranging in age from 10 through 22, and a grandmother of a four month old granddaughter.

I was born in Wahiawa, O'ahu, moved with my parents and younger sister to Moku o Keawe at the age of four.

I lived in the wahi of Keahuolu from about 1980-1988 where my father was the caretaker of this area. We continue our aloha 'aina work there till today by removing invasive species, and replanting mea kanu 'oiwi, and malama the loko i'a at Hale Pa'o.

I am a haumana hula. My late kumu was 'A'ala Roy Akana, and my current kumu is Pua Case, who was also a haumana of auntie 'A'ala.

I am a 1992 graduate of Kamehameha Kapalama, and attended the University of Hawai'i at Hilo for one year before having my first child in 1994.

I am a descendent of a long line of caretakers. My 'ohana, Keli'ipio were the third caretakers of Mokuola, a.k.a., Coconut Island from the turn of the nineteenth century, and a lineal descendent of the 'ohana Kuamo'o who fought in the battle at Lekeleke in 1819 who were the caretakers and protectors of the old ways, much as I am today. It is my kuleana to protect and care for sacred places as my ancestors have done for generations. Since becoming awakened and involved with the protection of Mauna Kea in 2014, I have gained a deeper and grounded understanding of who I am, where I come from, and what my function and purpose is. With that, it has solidified my kuleana to continue to protect Mauna Kea, to ensure that my children, and future generations have the ability to intimately know, learn, and experience Mauna Kea in its pristine state, as our ancestors had done, so they too will learn in their own time, and awakening of who they are, and where and whom they come from in order to have a deeper understanding and clarity of where they are going.

POSITION:

The question before us is if there should be a Conservation District Use Permit (CDUP) granted for the proposed TMT. My answer is no. I oppose the issuance of the CDUP because if this project is approved, it will directly harm me, my children, and my future generations by depriving us of our birthright to continue to learn of this place, to experience the area and its features absent of desecration. It will take from us the opportunity to continue our journey in learning our connections there spiritually, emotionally, physically and ultimately with ourselves and our relationship to that environment. My younger children are at an age where they are too young to take to the summit, and like their older siblings who have been to the summit, it is their inherent right as kanaka 'oiwi to be able to "be" in this space as it has been since time immemorial. To connect with our ancestors without interference. It was only just recently that I was able to be in ceremony with my two adult sons on the summit, as this was their time, their individual awakening, and entirely of their own planning that we went. This was significant because they planned it just days before my second oldest was to move away from home for the first time. While on the summit we each received messages and confirmations through spiritual connections with our ancestors, and my son looked out into the wao Akua, and had the ability to just "be" in that space, to connect and to say to me that he will always know where home is. It remains to be one of the most powerful personal experiences with them, and I hope there will be more as we continue on this journey. If in we no longer have the ability to access and continue our cultural and religious practices there, it will cause me, my children, and future generations substantial emotional and spiritual harm. It will be a trauma of the very essence of who we are.

Once this site is desecrated, it can never be restored to its original state. The Northern Plateau is the only undisturbed area left on the summit. We have already lost the opportunity to know of the areas where current telescopes exist, and will never have the opportunity to do so.

The argument of some of the parties is that the proposed Thirty Meter Telescope project will provide and “Perpetuate Unique Educational Opportunities” for our keiki. My response to that is, we still have yet to be educated about the Northern Plateau in our own personal and intimate way, and that it should be preserved in perpetuity in its current state so that when it is my children’s and future generation’s time, they will have the ability to not only have an educational, but spiritual, and emotional opportunity there as well, without desecration, regulations, and the very real threat of arrest and persecution for doing so. It is evident that over the course of the last two years, we as Native Hawaiians are not freely allowed to access our sacred areas on the summit for religious and cultural purposes without being harassed, persecuted, and arrested based on arbitrary and meritless rules and regulations set forth to benefit those who have an interest in the proposed project. I do not foresee this changing, but only getting significantly worse if the permit is granted.

Historically it has been proven that the summit area has not been cared for in a way that the University is obligated to, and has been grossly mismanaged since the first telescopes were built. There have been documented mercury spills, sewage, and other fluid leakages on the summit, and one such instance was noted in the Conservation District Use Permit Application (1.9.2 HA 09-53) Where 22.7 gallons of hydraulic fluid was released. The threat of future leaks of hazardous waste is a real possibility, and there is no way that the proposed Thirty Meter Telescope project can assert that there is no chance of this happening.

The threat to our indigenous, and endemic species will continue, and it stated in the FEIS Sec. 3,4 pg. 3-59 “Potential long-term impacts include displacement of existing species and habitat; dust generated by vehicle traffic along the unpaved Project areas; and paving approximately 1,600 feet of the Access Way. The Access Way will displace roughly 0.2 acre of wekiu bug habitat on the lower slopes of Pu’u Hau’oki. The TMT project will displace roughly 6 acres of alpine stone desert lava flow habitat. Other Project areas have previously been disturbed. These impacts are all expected to be less than significant.” How can you quantify and justify that? The statement that the impacts are “expected” to be less than significant is not enough to put the wekiu at risk.

Having a plan implemented now is too little too late. We have exceeded the point where enough is enough. For the statement to be made in the Conservation District Use Application that the impacts to the summit are already significant, adverse, and substantial and will continue to be with the proposed project is yet more evidence that the permit should NOT be approved as it does not meet the criteria for a project in a Conservation District. It will in fact do the opposite of conserve. This proposed project will add to the cumulative impacts, thus taking it over the edge. This will be the tipping point.

BURDEN OF PROOF:

- Taken directly from the HAR sec. 13-5-30;

(c) In evaluating the merits of a proposed land use, the department or board shall apply the following criteria:

- (1) The proposed land use is consistent with the purpose of the conservation district;
- (2) The proposed land use is consistent with the objectives of the subzone of the land on which the use will occur;
- (3) The proposed land use complies with provisions and guidelines contained in chapter 205A, HRS, entitled "Coastal Zone Management", where applicable;
- (4) The proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region;
- (5) The proposed land use, including buildings, structures, and facilities, shall be compatible with the locality and surrounding areas, appropriate to the physical conditions and capabilities of the specific parcel or parcels;
- (6) The existing physical and environmental aspects of the land, such as natural beauty and open space characteristics, will be preserved or improved upon, whichever is applicable;
- (7) Subdivision of land will not be utilized to increase the intensity of land uses in the conservation district; and
- (8) The proposed land use will not be materially detrimental to the public health, safety, and welfare.

The applicant shall have the burden of demonstrating that a proposed land use is consistent with the above criteria. [Eff 12/12/94; am and comp] (Auth: HRS §183C-3) (Imp: HRS §§183C-3, 183C-6)]

- **Hawai'i State Constitution Article IX Preservation of a Healthful Environment**

Section 8. The State shall have the power to promote and maintain a healthful environment, including the prevention of any excessive demands upon the environment and the State's resources. [Add Const Con 1978 and election Nov 7, 1978]

- **Hawai'i State Constitution Article IX Cultural Resources**

Section 9. The State shall have the power to preserve and develop the cultural, creative and traditional arts of its various ethnic groups. [Add Const Con 1978 and election Nov 7, 1978]

- **Hawai'i State Constitution Article XII Traditional and Customary Rights**

Section 7. The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov 7, 1978]

Clearly the proposed Thirty Meter Telescope project DOES NOT meet these 8 criteria, nor does it state that the criteria are discretionary. The proposed project MUST meet ALL of these criteria. Based on the information provided in my position, it is evident that in no way does the project meet criteria 1, 4, 5, 6, and 8.

- It states in the FEIS pg. S-8 Cumulative Environmental Impacts:

"From a cumulative perspective, the impact of past and present actions on cultural, archaeological, and historic resources is substantial, significant, and adverse; these impacts would continue to be substantial, significant and adverse with the consideration of the Project and other reasonably foreseeable future actions." A project of such magnitude as the proposed

Thirty Meter Telescope will absolutely have a substantial impact, and to assert in the CDUA that the project will have, "less than a significant impact" is absurd when we already know that the existing telescopes have had, and continue to have a substantial, significant, and adverse impact.

Any structure on the Northern Plateau would obstruct the direct view and connection to Haleakala. To say in the Conservation District Use Permit Application (2.3.3) Scenic and Open Space Resources, that there will be a "less than significant effect on scenic and open space resources" is not true. To have a structure that is 18 stories high, disturbing over 8 acres with a 5,000 gallon underground storage tank for hazardous chemicals is absolutely significant on the scenic and open spaces.

WITNESSES:

My witnesses will discuss the meaning of desecration, provide a timeline of activities on Mauna Kea, and also discuss 'ahu/pohaku.

CONCLUSION:

It is my belief that if this permit is granted, and the project commences, the Northern Plateau will be desecrated forever, and no mitigative measures will ever be enough to justify the loss of our sacred place. The ability to learn, experience first hand, and continue to build a meaningful relationship with this space as our kupuna had done since the beginning of time will be lost. The physical, emotional, and spiritual connection with a place cannot be taught or learned from a book. There is no way to restore it to its original state. It's not a question, or dispute about education, technology, or science, this is about the choice of place. I'm certain the Thirty Meter Telescope would be an amazing advancement in science and technology, and will see farther into the universe than we have ever done before, but not on our piko. Like my ancestors before me, it is my kuleana, it's not a matter of choice, this is my birthright and responsibility to preserve this sacred place, the piko, the wao Akua for my next 7 generations.