

Direct Written Testimony
Marti Townsend, Esq.
KAHEA: The Hawaiian-Environmental Alliance

My name is Marti Townsend. I am an attorney and the Program Director at KAHEA: The Hawaiian-Environmental Alliance. I graduated from the University of Hawai'i William S. Richardson School of Law with a Certificate in Environmental Law. I have focused my professional career on improving implementations of Department of Land and Natural Resources (DLNR) regulations. As an organization, KAHEA has worked for the protections of Mauna Kea since 2001.

In 2009, KAHEA received from the University of Hawai'i's (UH) 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. All of the documents concern rent, exchange of promises between the telescope owner and UH, and the respective property rights of the parties. All of the documents are signed by representatives of the telescope owner, UH, and the DLNR. These documents appear to me to facilitate the subdivision of conservation lands.

On February 25, 2011, I attended the Board of Land and Natural Resources (BLNR) public hearing in Honolulu, where the Conservation District Use permit Application (CDUA) for the TMT project was being considered. We heard several hours of testimony. People spoke both in favor and in opposition to the project. At the close of public testimony, members of the BLNR posed questions about the CDUA to proponents of the project, including Sam Lemmo, Director of the Office of Conservation and Coastal Lands; Stephanie Nagata, Acting Director of the UH Office of Mauna Kea Management, and Barry Taniguchi, of the Mauna Kea Management Board. The BLNR members asked questions regarding "performance bonds," how much would constitute "substantial rent," and how the protected practices of specific cultural practitioners who would be negatively affected by the TMT project were being protected. The project proponents were unable to answer the BLNR's questions.

In June 2011, I traveled to the summit of Mauna Kea. There I found the landscape dominated by industrial land uses, including many telescope facilities and ancillary structures with rust and peeling paint, heavy machinery, construction material, the clatter of telescope operations, and trafficked roads. It was challenging to find a place where the peaceful grandeur of Mauna Kea was not interrupted by the noise and unsightliness of the industrial land uses there. I did, however, find a quiet place from which to enjoy the vast view from the Northern edge of the summit. I could see Mauna Loa, Hualalai, the shoreline down below, and Haleakalā in the distance. This was the only place I could find a view uninterrupted by telescopes. Based on my examination of maps for the proposed TMT project and the viewplane simulations, it is obvious

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to me that for all who attempt to gaze towards Maui, the TMT would look like a giant clown nose on majestic Haleakalā.

I am particularly concerned about the batch plant staging area. 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 Wēkiu 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 also noticed a lot of trash blowing around the summit area. 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 broke into countless pieces too small to pick up. I also found many foam insulation pieces, rebar, construction grade black plastic, and foam wrapped in aluminum-like material, like something I would expect to find in a space shuttle and not in an area devoted to the conservation of natural resources.

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