



Oral Testimony of Carmen Hulu Lindsey
Chair, Board of Trustees

National Science Foundation
Public Scoping Meeting

NOTICE OF INTENT TO PREPARE AN ENVIRONMENTAL IMPACT STATEMENT AND
INITIATE SECTION 106 CONSULTATION FOR A POTENTIAL NATIONAL SCIENCE
FOUNDATION INVESTMENT IN THE CONSTRUCTION AND OPERATION OF AN
EXTREMELY LARGE TELESCOPE LOCATED IN THE NORTHERN HEMISPHERE

August 9, 2022 6:00 p.m. Grand Naniloa Doubletree, Hilo, Hawai'i

I am Hulu Lindsey, the Chair of the Board of Trustees of the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs (OHA) was created in 1978 at the State of Hawai'i Constitutional Convention to address historical injustices and challenges facing the Native Hawaiian community. The convention Delegates envisioned, an agency that provided a form of self-determination for Native Hawaiians, and advocated for their overall well-being. Thus, OHA was established through Article XII of the Hawai'i State Constitution, and Chapter 10 of the Hawai'i Revised Statutes (HRS) outlines OHA's duties and purposes to: better the conditions of Native Hawaiians; serve as the principal public agency responsible for the performance, development, and coordination of programs and activities for Native Hawaiians; assess the policies and practices of other agencies; and conduct advocacy efforts, including the promotion and protection of the rights of Native Hawaiians.



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The Office of Hawaiian Affairs (OHA) is in receipt of the recent National Science Foundation's (NSF) federal notice and request for comments, pursuant to requirements under the National Environmental Policy Act (NEPA) regarding the Thirty Meter Telescope Project (TMT) proposed for funding and construction within the summit area of the Conservation District of Mauna Kea. The notice also mentions that NSF will begin formal National Historic Preservation Act (NHPA) Section 106 consultations, but does not specify when NSF intends to begin these consultations with Native Hawaiians. OHA intends to provide more comprehensive comments, feedback and recommendations by the September 17, 2022 published deadline.

OHA's written testimony herein submitted highlights OHA's considerations and expectations, including that the NSF should consider the:

(1) Implications of NEPA, NHPA Processes on Mauna Kea Activities, Including Astronomy, on Ceded Lands and Public Land Trust Obligations to Native Hawaiians;

(2) Impact of the Implementation of the Newly Created Mauna Kea Stewardship and Oversight Authority to Governance of Mauna Kea Lands and Activities, Including Voluntary Delay of the Formal Environmental Comment Period under NEPA as well as the NHPA Section 106 Consultation;



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(3) Implementation of NSF's NEPA and NHPA Processes, Should Include Impacts of Prior Erroneous Processes on Native Hawaiian Practitioners, Beneficiaries and Communities;

(4) Unresolved, Uncompensated and Possibly Impermissible, Transfer of the Mauna Kea Access Road to the State of Hawai'i, by the Department of Hawaiian Homelands, Without Consultation with Hawaiian Homes Commission Act Beneficiaries by Either the State of Hawai'i or the U.S. Department of the Interior;

(5) Status of General Lease S-4191 and the Associated Sub-Leases of the Individual Telescopes and/or Observatories;

(6) Challenge to the Conservation District Use Permit;

(7) Status of the National Pollutant Discharge and Elimination Systems Permit, Under the Clean Water Act, Including Documentation of Studies and Waste and Sewage Systems;

(8) Financial Implications of Construction and Operations Funding of TMT in the Cumulative Assessment Analysis;

(9) Implications on Iwi Kupuna; and

(10) Broader and More Significant Community Engagement and Consultation Efforts.



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I am here with Trustee Mililani Trask and Ka Pouhana, Chief Executive Officer Dr. Sylvia M. Hussey to lend support to our beneficiaries in bringing forward their comments and concerns at this and future meetings.