



KAHEA

THE HAWAIIAN-ENVIRONMENTAL ALLIANCE

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PROTECTING
NATIVE HAWAIIAN
CUSTOMARY &
TRADITIONAL RIGHTS
AND OUR FRAGILE
ENVIRONMENT

Aloha Dr. Foltz,

Thank you for this opportunity to submit comments on the Supplemental Draft Environmental Impact Statement for the Advanced Technology Solar Telescope (ATST) proposed by the National Science Foundation (NSF) for construction on the sacred summit of Haleakalā. KAHEA: The Hawaiian-Environmental Alliance strongly opposes this proposal because the study of weather in space does not remotely justify disregard for the rule of law, degradation of the Haleakalā conservation district, or desecration of Native Hawaiian religious and cultural practice on Haleakalā. NSF has many other options available to it, we strongly advise NSF to pursue them instead of construction on Haleakalā.

KAHEA is a local network of over 6,000 people representing kūpuna, cultural practitioners, scientists, educators, and concerned citizens working to protect Hawai'i's unique natural and cultural resources. KAHEA continues to successfully advocate for the protection of Hawai'i's sacred summits.

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I. NSF's ATST Proposal Would Degrade the Haleakalā Conservation District

The summit of Haleakalā is protected by state law as a conservation district, where construction is specifically "discouraged" in order to protect the unique ecology, landscape, and cultural features of the area. Before construction in a conservation district can even be considered, the law requires a comprehensive management for the protection of these resources be adopted by the state Board of Land and Natural Resources. To ensure that proposed construction does not undermine or frustrate the ultimate purpose of the conservation district, the law also forbids any activity that might have "significant, substantial, or adverse" impacts on the resources of the district.

Not only is NSF proposing to build the ATST in a conservation district without a management plan, but the SDEIS for the proposal concedes

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to english as "the call."

that construction will have a significant and adverse impact on the resources of the district. Haleakalā is home to many rare and at risk species, including the threatened 'ahinahina and the extremely endangered 'ua'u. Construction of the ATST would require widening the road to the telescope site, thus destroying significant 'ahinahina habitat. It would also result in serious disturbance to the ground -- the structure will extend 40 feet into the ground -- which jeopardizes one of the last two colonies of the ground-burrowing 'ua'u on earth.

Given the legal framework for conservation districts and the actual conservation needs of Haleakalā, it is surprising that NSF would proceed with the proposal to build the ATST on Haleakalā. If there is no management plan, and the SDEIS concedes that construction will have a significant and adverse impact on the resources, then how can NSF expect to build the ATST?

II. NSF's ATST Proposal Would Desecrate Religious and Cultural Practices on Haleakalā

Traditional and customary Native Hawaiian practices and the sites associated with them are protected by state and federal law. NSF proposes to disregard these legal protections by constructing the 14-story, 100-acre ATST immediately adjacent to significant and actively used Native Hawaiian cultural sites on Haleakalā. It is insulting to hear NSF attempt to justify this act of cultural genocide by describing modern, giant telescope structures as consistent with ancient Hawaiian astronomy, especially since construction of the ATST will actually block traditional viewplanes and key constellations as seen from the Haleakalā Crater.

The SDEIS plainly misstates the reality: it is the new project proposal, the ATST, which can modify its needs, objectives, and methodologies, while it is the pre-existing, ancient cultural and religious practices that are sacred and unalterable. NSF's unwillingness to even consider modifications to the project proposal that would help to protect Native Hawaiian cultural and religious practices is a sign that NSF suffers from scientific imperialism. To go forward, NSF must find a way to balance the ATST project needs with the existing limitations of the world we live in. This is to say, the study of weather in space is no justification for destroying life in Hawai'i as we know it.

III. Inadequate Alternatives Analysis

NSF has other, arguably better, options for collecting data about the sun and weather in space. These include constructing a new telescope in space, constructing a new telescope at either Big Bear Lake or La Palma, or remodeling an existing telescope to meet the project objectives. None of these options are considered in the SDEIS. Instead, the SDEIS only evaluates two possible sites in the same location, both of which have nearly identical consequences if the ATST is built there. This is a textbook example of an inadequate alternatives analysis under the National Environmental Policy Act. There are several practical alternatives that have not been evaluated. Without a thorough analysis of alternatives, how can a decision-maker weigh all of the costs and benefits of a proposal and

come to an informed conclusion about which alternative achieves the appropriate balance between need and consequence? They cannot. Thus, without significant revisions, NSF can expect serious legal challenges on the failure to comply the requirements of NEPA.

For these reasons, we strongly encourage NSF to pursue other available alternatives for collecting data about the weather in space.

Mahalo,



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Executive Director



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Cc:

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