

# State Supreme Court suspends Hawaii telescope permit

November 18 2015, by Jennifer Sinco Kelleher

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In this Aug. 27, 2015, file photo, Chief Justice Mark Recktenwald, from left, Associate Justice Sabrina S. McKenna, and Associate Justice Michael Wilsonas preside as oral arguments at the Hawaii State Supreme Court. The case involves building one of the world's largest telescopes on Mauna Kea. The Hawaii Supreme Court said Tuesday, Nov. 17, that it is temporarily suspending a permit that allows the giant telescope to be built on a mountain many Native Hawaiians consider sacred. (Craig T. Kojima/Honolulu Star-Advertiser via AP, Pool, File)

The Hawaii Supreme Court on Tuesday temporarily suspended a permit

that allows a giant telescope to be built on a mountain many Native Hawaiians consider sacred.

The [court](#) granted [telescope](#) opponents' request for an emergency stay of the effectiveness of the permit until Dec. 2, or until another court order.

The ruling was issued as protesters were gathering on Mauna Kea in anticipation of blocking telescope work from resuming. Work has been stalled since April amid protests.

"Mahalo ke akua," Kealoha Pisciotta, a longtime telescope opponent and one of the plaintiffs challenging the permit, repeated several times after hearing about the ruling. "Thank God."

Telescope officials announced last week a crew would return to the site this month to do vehicle maintenance work but they wouldn't specify a date.

A representative for the project said that TMT will respect the court's decision and stand down until Dec. 2.

"The Supreme Court's decision will give all parties involved in the appeal sufficient time to respond to the motion," TMT spokesman Scott Ishikawa said in a statement late Tuesday night.

Gov. David Ige said he will be conferring with the attorney general and the Department of Land and Natural Resources to determine the state's next steps.

"They cannot legally do any work on Mauna Kea," said Richard Naiwieha Wurdeman, the plaintiffs' attorney who filed the emergency request late Monday after hearing news reports that telescope crews would be going to the mountain on Wednesday.

In 2013, the state Board of Land and Natural Resources issued a conservation district use permit for the Thirty Meter Telescope. The permit allowed the nonprofit company building the telescope to proceed with construction on lands that are within the Mauna Kea conservation district.

A group of opponents appealed, but a circuit court affirmed the land board's decision. While the permit appeal was before the Intermediate Court of Appeals, the opponents asked to bypass the court and have the case go directly to the Supreme Court. The high court agreed to hear the case and heard oral arguments in August.

Moving forward with construction pending the Supreme Court ruling is disrespectful, Wurdeman said.

Tuesday's ruling will prevent another standoff between protesters and law enforcement on the mountain, he said: "It avoids for a while any further desecration of the land."

Kahookahi Kanuha, one of the protest leaders, said about a dozen people were on Mauna Kea on Tuesday evening and others planning to join them were waiting to see how telescope officials respond to the ruling.

"We're not completely off the hook yet, because we have not received word TMT will stand down," he said. "I don't know if they interpret maintenance as work and construction. ... From my understanding, they have no right to this mountain."

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Citation: State Supreme Court suspends Hawaii telescope permit (2015, November 18) retrieved 23 April 2024 from <https://phys.org/news/2015-11-state-supreme-court-hawaii-telescope.html>

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