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## HOUSE RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO SUBMIT  
TO THE LEGISLATURE A REPORT OF OBSERVATION VIEWING TIME ON  
THE TELESCOPES ON MAUNA KEA.

1           WHEREAS, the Mauna Kea summit is home to unique cultural  
2 and historic resources that are designated national landmarks  
3 and carry protections under federal and state historic  
4 preservation laws; and  
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6           WHEREAS, the Mauna Kea aquifer is the major source of fresh  
7 water for the island of Hawaii and provides residents with  
8 drinking water; and  
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10           WHEREAS, the lands on the summit of Mauna Kea are public  
11 trust lands subject to the legal restrictions regarding land use  
12 and requirements to receive fair market lease rent from the use  
13 of these lands; and  
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15           WHEREAS, in 1961, the Mauna Kea summit, forest, and  
16 watershed lands were designated as conservation district lands;  
17 and  
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19           WHEREAS, in 1968, the Board of Land and Natural Resources  
20 leased approximately 13,320 acres of public trust lands to the  
21 University of Hawaii (UH) Institute for Astronomy (IFA) for a  
22 65-year term at a nominal \$1 per year; and  
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24           WHEREAS, since 1968, IFA has entered into multiple sub-  
25 lease and use agreements with private third parties for the  
26 development of telescope facilities on Mauna Kea's summit,  
27 allegedly at a nominal \$1 per year in sub-lease rent without  
28 assessing, charging, or collecting fair-market value for these  
29 agreements; and



1 WHEREAS, IFA negotiated sub-leases with foreign entities,  
2 such as France and Canada, to construct the Canada-France-Hawaii  
3 Telescopes, as well as with public and private institutions  
4 including the California Institute of Technology, University of  
5 California Berkeley, California Association of Research  
6 Astronomy, and William M. Keck Foundation; and  
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8 WHEREAS, under agreements executed by IFA, each astronomy  
9 facility on Mauna Kea is required to provide approximately 36 to  
10 54 observing nights per year; and  
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12 WHEREAS, Act 132, Session Laws of Hawaii 2009, authorized  
13 the UH Board of Regents to charge fees and enter into lease  
14 agreements for the Mauna Kea lands, and established the Mauna  
15 Kea Lands Management Special Fund for UH to carry out its duty  
16 to manage the Mauna Kea lands; and  
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18 WHEREAS, this year, UH requested \$2,180,000 in general  
19 funds to operate the Office of Mauna Kea Management; and  
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21 WHEREAS, contracts and use agreements held by foreign and  
22 out-of-state entities that benefit from the use of taxpayer  
23 support should be reviewed to ensure they contribute a fair and  
24 equitable share in ensuring the continued protection and  
25 maintenance of the Mauna Kea lands; now, therefore,  
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27 BE IT RESOLVED by the House of Representatives of the  
28 Twenty-fifth Legislature of the State of Hawaii, Regular Session  
29 of 2010, that the UH Board of Regents is requested to submit to  
30 the Legislature, no later than 20 days prior to the convening of  
31 the 2011 regular session, a report of observation viewing time  
32 on the telescopes on Mauna Kea; and  
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34 BE IT FURTHER RESOLVED that the report is requested to  
35 include:  
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- 37 (1) A list of the total viewing time provided to the UH  
38 and IFA, their employees, faculty, researchers,  
39 agents, and any person or entity during the 2009-2010  
40 fiscal year;



- 1 (2) A determination of the net financial gain from  
2 astronomy-related activity on Mauna Kea received by UH  
3 during the 2009-2010 fiscal year;  
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- 5 (3) A list of all value, including viewing time, financial  
6 and in-kind exchanges, and any other benefits received  
7 by UH and IFA regarding each facility on Mauna Kea,  
8 during the 2009-2010 fiscal year;  
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- 10 (4) A summary of every contract, working or use agreement,  
11 and any other written understanding entered into by UH  
12 and IFA for the use of Mauna Kea, and that is  
13 currently in effect; and  
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- 15 (5) A plan of action that will ensure UH will develop a  
16 self-sustaining model to meet its obligation to the  
17 community while working to preserve and protect the  
18 Mauna Kea lands including a process and considerations  
19 for the negotiation of future lease agreements;  
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21 and  
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23 BE IT FURTHER RESOLVED that certified copies of this  
24 Resolution be transmitted to the Chairperson of the University  
25 of Hawaii Board of Regents, President of the University of  
26 Hawaii, and Executive Director of the University of Hawaii  
27 Institute for Astronomy.

