
HOUSE CONCURRENT 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, the Senate concurring, that the UH Board of Regents is
30 requested to submit to the Legislature, no later than 20 days
31 prior to the convening of the 2011 regular session, a report of
32 observation viewing time 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;
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42 (2) A determination of the net financial gain from
43 astronomy-related activity on Mauna Kea received by UH
44 during the 2009-2010 fiscal year;



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- 2 (3) A list of all value, including viewing time, financial
- 3 and in-kind exchanges, and any other benefits received
- 4 by UH and IFA regarding each facility on Mauna Kea,
- 5 during the 2009-2010 fiscal year;
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- 7 (4) A summary of every contract, working or use agreement,
- 8 and any other written understanding entered into by UH
- 9 and IFA for the use of Mauna Kea, and that is
- 10 currently in effect; and
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- 12 (5) A plan of action that will ensure UH will develop a
- 13 self-sustaining model to meet its obligation to the
- 14 community while working to preserve and protect the
- 15 Mauna Kea lands including a process and considerations
- 16 for the negotiation of future lease agreements;
- 17

18 and

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20 BE IT FURTHER RESOLVED that certified copies of this
21 Concurrent Resolution be transmitted to the Chairperson of the
22 University of Hawaii Board of Regents, President of the
23 University of Hawaii, and Executive Director of the University
24 of Hawaii Institute for Astronomy.