



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Higher Education  
March 25, 2010 at 1:35pm  
by  
James R. Gaines  
Vice President for Research

SCR 227/SR 118 – REQUESTING, FOR REVIEW BY THE LEGISLATURE AND THE AUDITOR, AN ACCOUNTING AND REPORT CONCERNING ITEMS OF VALUE, INCLUDING VIEWING TIME ON MAUNA KEA TELESCOPES, PROVIDED TO THE UNIVERSITY OF HAWAII AND ITS INSTITUTE FOR ASTRONOMY FOR THE LEASE OR USE OF FACILITIES ON PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA.

Chair Tokuda, Vice Chair Sakamoto and members of the Committee:

The University of Hawai'i is pleased to respond to the spirit of resolutions SCR 227/SR 118, which seek to clarify the financial implications of the agreements between the Telescopes located at the summit of Mauna Kea and the University of Hawai'i. There are three "specifics" of the resolutions that we would ask you to reconsider.

First, the resolutions request information and data that goes back to 1968, 32 years ago. We simply do not have such data, nor is such old data particularly germane to the central questions to be answered. We will supply any/all data that addresses the financial implications for the past few years and address any/all questions, to the best of our ability that pertain only to the earlier time period.

Secondly, the resolutions require a University response in 14 days following enactment of the joint resolution. We respectfully request an amended response period to allow us adequate time for a meaningful response.

Thirdly, the University does not agree with all the factual statements presented in the "whereas" statements of the Senate resolution. For instance, UH does not have patents or leasing agreements (with any party) that have produced any income in the field of astronomy. All University patent and leasing income is reported to the Legislature annually—and has been since 1989. In 2010, the University requested \$2.1 million in public funds, to manage the Mauna Kea Science Reserve in keeping with the Comprehensive Management Plan for Mauna Kea submitted for approval to the Department of Land and Natural Resources (DLNR), not to secure the bid for the Thirty Meter Telescope.

We would be pleased to respond to each of these statements to better seek a common understanding of the central issues.

Thank you for the opportunity to testify.



**SCR227; SR 118**  
**Relating to an accounting and report for the lease and/or use of facilities**  
**on Public Trust Lands on the Summit of Mauna Kea**  
Senate Committee on Higher Education

March 30, 2010

1:15pm

Room: 225

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The Office of Hawaiian Affairs (OHA) **SUPPORTS** SCR 227 and SR 118, which would request an accounting and report concerning items of value provided to the University of Hawai'i and its Institute for Astronomy for the lease or use of facilities on Public Trust Lands on the summit of Mauna Kea.

Mauna Kea is a part of the ceded lands corpus, and thus part of the public lands trust, held by the state for the benefit of the people of Hawai'i, including Native Hawaiians. In addition to being invaluable and sacred to Native Hawaiians, Mauna Kea is also viewed as one of the premier astronomical sites in the world. The university leases these public trust lands from the Board of Land and Natural Resources (BLNR) for \$1 a year. The lease agreement allows for subleases with BLNR approval. The university has contracted through sub-lease and use agreements with commercial entities, foreign governments, as well as public and private universities and institutions.

The terms of the university's sub-leases and use agreements have not been made available for public review, thus details of the profits or other in-kind services received by the university are generally unknown. The way that rents or in-kind services are used have also been absent from the public record. This lack of accounting has fueled controversy on whether the subleases have been for fair market value and importantly whether the "ceded lands" beneficiaries are receiving their fair share of this public trust resource. SCR 227 and SR 118 would assist in addressing this issue and help the Department of Land and Natural Resources fulfill its obligations to administer the public lands trust.

OHA is constitutionally and statutorily mandated to use its pro rata portion of the income and proceeds derived from of the public land trust for the betterment of the conditions of Native Hawaiians. As such, we support a reporting on the valuation of the aforementioned sub-leases and use agreements. This would assist OHA in determining whether the university is charging and receiving fair market value for the use of Mauna Kea and what portion of the income and proceeds should be used to fulfill OHA's mandate.

Therefore, OHA urges the Committee to PASS SCR 227 & SR 118. Thank you for the opportunity to testify.

Testimony In Support

**Senate Resolution 118 and Senate Concurrent Resolution 227:**

REQUESTING, FOR REVIEW BY THE LEGISLATURE AND THE AUDITOR, AN ACCOUNTING AND REPORT CONCERNING ITEMS OF VALUE, INCLUDING VIEWING TIME ON MAUNA KEA TELESCOPES, PROVIDED TO THE UNIVERSITY OF HAWAII AND ITS INSTITUTE FOR ASTRONOMY FOR THE LEASE OR USE OF FACILITIES ON PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA.

**Senate Committee on Higher Education**

**March 30, 2010**

**Room 225**

**1:15 p.m.**

The following testimony in support of SR118 and SCR 227 is **submitted on behalf of the following Native Hawaiian individuals and organizations:**

**Mr. Paul K. Neves, for the Royal Order of Kamehameha I,**

**Ms. Keomailani Von Gogh, Resident of Ola`a, Mauna Kea Hawaiian Cultural and Traditional Practitioner**

**Ms. Mililani B. Trask, for the NGO, Na Koa Ikaika o Ka Lahui Hawai`i**

**Ms. Kealoha Pisciotta, for Mauna Kea Anaina Hou,**

Aloha Chair and Members of the Higher Education Committee,

I am, Kealoha Pisciotta, President of Mauna Kea Anaina Hou, I am a Mauna Kea Cultural and Traditional Practitioner and a former telescope employee. I was employed by the British government as a Telescopes Systems Specialist and I lived and worked on the summit of Mauna Kea for over 12 years. I am authorized to speak here on behalf of the above mentioned individuals and groups who could not be here in person to testify regarding these Mauna Kea measures.

We wish also to thank Senators Hee, Galuteria, Kidani, Kokubun and Takamine for their hard work in sponsoring these measures--and thank you for the opportunity to present testimony on these important measures.

## I. THE ISSUES ARE CLEAR:

We wish to clarify some confusion that has been introduced into the public discourse regarding Mauna Kea and these resolutions.

--For forty (40) years, the people of Hawai'i have shared Mauna Kea with the International Astronomy Industry. The Astronomy Industry has profited by being allowed to build the largest astronomy center in the world -- and all **for the barging basement lease rental price of ONLY \$1.00 per year (paid by each observatory)**. More specifically for 40 years the wealthiest entities on earth, have been allowed by the State's Board of Land and Natural Resources (BLNR) and the University of Hawai'i (UH) to escape paying "fair-market" lease rent *into* the states general fund as state law requires (see HRS 171-17)--and this is outrageous!

-- DON'T BE CONFUSED--despite the University's claim that House Bill 1174 (Act 132) passed last year, gives them jurisdiction over Mauna Kea *and* the right to collect and keep for themselves any money collected from the foreign and non-state entities for the use of Mauna Kea. **The plain fact of the matter is--** nothing in HB1174 overturns HRS 171 or the other relevant laws governing the conservation district of Mauna Kea. HRS 171 is the law and it should have been followed for the last 40 years.

--DON'T BE CONFUSED by the claim that some Hawaiian scholarships will be paid by some future telescope project like the Thirty Meter Telescope (TMT). This project has yet to be approved and HRS 171 is the law and it should have been followed for the last 40 years.

--DON'T BE CONFUSED -- Mauna Kea summit is conservation and Public Trust Land and HRS 171 requires "fair-market" lease rent to be assessed and charged to the foreign and non-state entities using Mauna Kea and all funds received must, in turn, be deposited into the general fund for the benefit of all--not just Hawaiians not just the UH and its agents but all the people of Hawai'i. HRS 171 is the law and it should have been followed for the last 40 years.

The issue is simple--the State needs money and the people need help -- and HRS 171 is the law and it should have been followed for the last 40 years!

## II. WE SUPPORT THESE MEASURES FOR THE FOLLOWING REASONS:

1. **We support these measures because they will help the people of Hawai'i.** The people of Hawai'i are suffering under this severe economic

crisis. They are suffering the loss of jobs, wages, homes, health and other benefits and basic needs and services. You the lawmakers have the power to reduce this suffering. And we would hope and pray that before you consider raising taxes or selling our Public Trust Lands that you look to any and all alternatives sources of funding--these measures provide such an alternative.

2. **We support these measures because they are reasonable**--and will help put a stop to the outrageous \$1.00 per year lease rent currently paid to the people of Hawai'i by some of the wealthiest entities on earth.
3. **We support these measures because they will help reduce the need to raise taxes.** Calling for a financial audit and accounting for the purpose of accessing fair and equitable lease rent to be paid by the foreign nations, corporations and non-state entities using Mauna Kea will help to reduce the need to raise taxes which in turn reduces the burdens placed on the people of Hawai'i.
4. **We support these measures because they will ensure compliance with existing state law.** State law already requires the fair-market lease rent to be collected for the use of Mauna Kea. And for more than 40 years the observatories have not complied with existing state law. HRS 171 requires fair market rent to be collected and deposited into the general fund for the benefit of *all* the people of Hawai'i. **When the state does not collect rent -no money is deposited into the general fund---and the people suffer.** Furthermore, when the State does not charge lease rent--it means **the people are in effect subsidizing foreign direct investment on our own land**--this is outrageous! The foreign and non-state entities using Mauna Kea include some of the wealthiest in the world. For example, the William M. Keck Foundation which owns and operates the KECK Telescopes reports a total asset worth of a \$1 billion dollars. The governments of the United Kingdom, France, Canada, and Japan each are able to provide their people universal health care and education--yet we here in Hawai'i--cannot. These nations manage their budgets for their people, and I am sure the \$1.00 per year in lease rent they pay doesn't hurt either.
5. **We support these measures because the taxpayers have paid enough.** The taxpayers subsidize the astronomy industry in more ways than one--the taxpayers paid for the paving of the summit road. The road up to Hale Pohaku belongs to Hawaiian Home Lands yet they receive no monies from the observatories for the use of the road. The taxpayers pay for roads, parks, schools and other public services that the foreign nationals (who are exempt from paying income tax) enjoy. The taxpayers absorb the cost of high energy consumption--just one facility up there can draw energy equivalent to 2,500 single family homes. The taxpayers have paid enough!
6. **Lastly, we support these measures because charging and collecting rent does not negatively impact the University or its students. EVEN AS THE UH HAS PREVIOUSLY TESTIFIED IN OPPOSITION TO**

**THESE RESOLUTIONS --the plain fact of the matter is** the University draws from the general fund too--this year alone they are asking for \$253 million dollars from the legislature. The university has raised student tuition numerous times all the while the wealthiest on earth continue to pay only \$1.00 per year into the general fund. In the end, while the observatories may be out some money (small compared to their annual operating budgets--that can reach into the hundreds of millions of dollars)--such a cost is the least they can offer during these extreme times. The benefit from lease rents can, on the other hand, make a big difference to the people of Hawai'i Nei.

**We ask you please pass these measures and continue to support them into their final passage.**

**Me kealoha pumehana,**

**Ms. Kealoha Pisciotta, President of Mauna Kea Anaina Hou in behalf of those individuals and organizations listed above.**



SUPPORT FAIR MARKET RENT FOR USE OF PUBLIC LANDS ON MAUNA KEA

TABLE OF CONTENTS

*Mauna Kea is public land used by outside entities that do not pay the fair market rent required by state law.*

**Tab 1. Lucrative astronomy industry not benefiting Hawaii's General Fund**

Millions of dollars in transactions over Mauna Kea have occurred without any benefit to the general fund - no excise tax collected, no rent charged.

**Tab 2. The Majority of telescopes on Mauna Kea are owned by outside entities**

Documents from the DLNR and telescope operators confirm that the majority of telescopes are owned and operated by entities other than the University of Hawaii.

**Tab 3. These foreign telescopes pay \$1 a year or less in rent**

The signature page of leases signed between DLNR and foreign institutions demonstrates they pay \$1 a year or less.

**Tab 4. In 1968 lease, UH charged \$1 a year for one observatory on Mauna Kea**

The 1968 lease from DLNR to the University of Hawaii for one observatory at a lease rate of \$1-a-year.

**Tab 5. Hawaii Law Requires Market-based Rent for Use of Public Land**

a quick explanation of the law requiring market-based rent be charged for the use of public land, Hawaii Revised Statutes §171-17, 18.

**Tab 6. UH continues to rely on public tax dollars**

The University of Hawaii requested \$253 million from the state's general fund, including \$2.1 million "to secure the TMT on Mauna Kea."

## Yale pays \$12M to use Mauna Kea telescopes Galaxy researchers get access to Keck Observatory 15 nights a year

Advertiser Staff  
March 4, 2009

Yale University is the latest institution to buy time twin telescopes at the W.M. Keck Observatory Mauna Kea.

Under the \$12 million deal with the California of Technology, one of the Big Island observatory's institutions, Yale astronomers will get 15 nights of observing time annually over 10 years.

Jeffrey Kenney, chairman of Yale's astronomy department, said in a news release that researchers will use the 10-meter telescopes to how galaxies evolve in nearby galaxy clusters and some of the most distant and most massive galaxies in the universe.

Until now, Yale astronomers have relied for the their observational data on the 3.5-meter WIYN telescope on Kitt Peak in Arizona, which is owned operated by a consortium that includes Yale, the University of Wisconsin, Indiana University, the National Optical Astronomy Observatory and SMARTS, a collection of smaller telescopes in Tololo, Chile.

"Access to the Keck telescopes puts the Yale for Astronomy and Astrophysics on the same as other top astronomy and astrophysics programs country," Yale's Meg Urry said in a news release.

Urry is founding director of the Yale Center for Astronomy and Astrophysics and Yale physics department chairwoman.

The Keck Observatory is operated by the California Association for Research in Astronomy, whose board of directors includes representatives from Caltech and the University of California. Its twin telescopes, each standing



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The Honolulu Advertiser



eight stories tall and weighing 300 tons, are the world's largest optical and infrared telescopes. Each telescope gets its viewing power from a mirror comprising 36 hexagonal segments that work in concert as a single reflective glass surface.

Major discoveries based on Keck observations include the existence and weight of the supermassive black hole at the center of the Milky Way, and the presence of methane and possible signs of life on Mars.

Keck spokeswoman Ashley Yeager said more than half of all planets known outside our solar system have been discovered using observations from the Keck Observatory, which also has played a crucial role in discovering that the universe is not only expanding but that the expansion is accelerating.

In the past fiscal year, 420 scientific investigations were conducted using the Keck telescopes, she said.

Access to the telescopes is highly prized, and the 365 nights of observing time are divided among its partner institutions. Caltech and the University of California are allocated 36.5 percent each of the observing time, the National Aeronautics and Space Administration gets 14.5 percent and the University of Hawai'i 12.5 percent.

Deal with Caltech

Caltech agreed to sell 15 nights of its viewing time to Yale and has a similar arrangement with Swinburne University of Technology in Melbourne, Australia.

Other institutions can apply for observation time with the Keck partners or through the National Science Foundation's Telescope System Instrumentation Program that is administered by the National Optical Astronomy Observatory.

Astronomers gathering observation data actually do their work at the observatory's headquarters in Waimea while assistants operate the telescopes at the 13,796-foot Mauna Kea summit. The Keck Observatory was the first facility on Mauna Kea to use remote observing.

The clear, calm and dry summit is ideal for astronomy observations because there is little light pollution from populated areas below and no nearby mountain ranges to stir up the upper atmosphere or throw light-reflecting dust into the air.

The observatory was built with a \$138 million grant from the W.M. Keck Foundation, with additional funding provided by public and private grants and individual contributions. The Keck I telescope began observations in May 1993, and the Keck II started in October 1996.

The observatory employs 122 workers.

Caltech and the University of California have an agreement to provide annual base operating support for the observatory through 2018. The amount paid in fiscal year 2008 was \$11.6 million.

NASA provided \$2.3 million in operating support last year, and Yeager said the Observatory signed a new five-year cooperative agreement with the space agency that awards \$16.7 million over the next five years for operations support, infrastructure renewal and data archiving.

In addition, new awards in fiscal year 2008 from other public grants and contracts surpassed \$8.5 million, Yeager said.

**Report Title:**

UH; Astronomy; Appropriation

**Description:**

Appropriates funds for the institute for astronomy at the University of Hawaii.

HOUSE OF REPRESENTATIVES

TWENTY-FIRST LEGISLATURE,  
2001

STATE OF HAWAII

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**H.B. NO.** 1585

# A BILL FOR AN ACT

relating to astronomy.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. The legislature finds that the University of Hawaii, institute for astronomy has been extremely successful in promoting and developing many large telescope projects on Mauna Kea and Haleakala. Over \$1,000,000,000 have been expended on Mauna Kea and Haleakala for the development of astronomical facilities which offers major scientific benefits to the University, the State, and the international community in astronomy. Today, the institute for

astronomy is recognized as the preeminent center for astronomical research with the world's largest and technologically advanced ground-based telescopes for optical, infrared and submillimeter observations. These research facilities employ over seven hundred fifty people (of which seventy per cent are local hires) at an annual operating cost totaling more than \$100,000,000. It is the vision of the institute for astronomy to focus on developing Hawaii's superior natural resources in astronomy (Mauna Kea and Haleakala) consistent with the Mauna Kea master plan. Astronomy in Hawaii, under the leadership of the institute for astronomy, has the potential of becoming a multi-billion dollar high-tech industry that would attract businesses in electronics, optics, precision mechanics, and information technology. All of which would provide significant economic benefits to the State of Hawaii and counties of Hawaii and Maui.

Technological advancements have dramatically increased the image quality, viewing field, sensitivity, and photometric range of the modern day telescope. These capabilities have significantly increased the dynamic range of telescope observations, particularly the visibility of faint objects obscured by bright light sources like the blinding glare of the sun. The institute for astronomy has initiated a conceptual study with a team of internationally recognized scientists and engineers to develop the first technologically advanced telescope consistent with the decadal review that provides this unique scientific capabilities not currently available among the larger ground based or in space telescopes. This study has attracted strong scientific interest from the astronomical community and federal sponsoring agencies and is seriously being considered for funding. Development of new adaptive optics techniques and sophisticated instrumentation for this new innovative telescope is also essential to pursue research opportunities never explored before by astronomers.

The institute for astronomy was the first to develop the world's largest detector arrays in the optical (8,192 x 8,192 pixels) and in the infrared (1,024 x 1,024 pixels) that significantly enhance the image quality and viewing field for ground based astronomy. This scientific accomplishment, published in astronomical journals in 1995, brought strong scientific credibility to the institute for astronomy and considerable interest from the astronomical community. Solid-state detectors in specially designed instruments are used to record digital images from visible and infrared light collected by telescopes such as those on Mauna Kea and Haleakala. The retina of the present-day astronomical camera is a large electron chip. Chips for detecting visible light are made of silicon and those for detecting infrared are made from semiconductors such as indium

antimonide (InSb) or mercury cadmium telluride (HgCdTe). In the last few years, there have been enormous improvements in the sensitivity and number of pixels for these detectors. As the lead organization for a team of astronomers and engineers from other national and international academic institutions, the institute for astronomy has contracts with several commercial electro-optical companies for the development of these detectors. More than \$8,000,000 has been invested for this research effort with companies such as Raytheon, Rockwell Science Center, and MIT Lincoln Labs with no contribution from general funds. The institute for astronomy is currently developing larger detectors in optical (12,288 x 12,288 pixels) and infrared (2,408 x 2,048 pixels) to further improve the quantum efficiency, sensitivity, image quality and viewing field. The institute for astronomy is collaborating with National Aeronautic and Space Administration's Ames research center for the development of critical technologies, design, and manufacturing approaches for the proposed near-infrared focal plane arrays to be incorporated in the next generation space telescope.

The Institute For Astronomy have also invested hundreds of thousands of dollars for high-tech precision electronic-discharge-machinery, computer-numeric controlled equipment and computer-aided-design hardware and software primarily through loan programs with the research corporation of the University of Hawaii. These machinery and equipment were amortized over three to five years through Institute For Astronomy's job-order-system that are predominantly funded by extramural (non-general fund) instrumentation projects. These technological investments have dramatically increased institute for astronomy capabilities in the design and fabrication of state-of-the-art astronomical instrumentation.

Today, the Institute For Astronomy is recognized as a world leader in the design and fabrication of astronomical instrumentation that incorporates large-format detectors and optical devices that counteract the blurring effect produced by the earth's atmosphere and telescope movement. Our preeminence in detector technology, adaptive optics and engineering/instrumentation has enabled the institute for astronomy to secure several major instrumentation contracts in fiscal year 1996 and 1997 totaling more than \$14,000,000. These contracts include the near infrared imager for the 8-meter Gemini northern telescope; the infrared camera and spectrograph for the national astronomical observatory of Japan 8.2-meter Subaru telescope; the spectrum-cross-dispersed spectrograph for the National Aeronautic and Space Administration infrared telescope facility; the advanced electro-optical system spectrograph for the 3.7-meter United States Air Force AEOS telescope; and the high performance adaptic-optics imager for the

**patent-related revenue from use of Mauna Kea**

8-meter Gemini northern telescope.

The National Research Council is a nonprofit organization that provides independent advice on science and technology issues under a congressional charter. It is the principal operating arm of the National Academy of Sciences and the National Academy of Engineering that prepares the decadal review. The decadal review has ranked several major astronomy projects for the next ten years (2001 to 2010) that are well-suited for Mauna Kea and Haleakala. These projects include:

- The next generation space telescope: A telescope that will be far more advanced than the Hubble telescope and should dramatically increase our understanding of how the first stars and galaxies formed billions of years ago and how stars and planets form today. (Estimated funding: \$1,000,000,000);
- The large synoptic survey telescope: A 6.5-meter class telescope designed to image the whole visible sky in the optical at an interval less than a week. Prime science drivers are identification of near earth objects down to 300-meter scale, Kuiper Belt, supernova studies (map local flows over whole sky to  $z=1$ ), weak lensing, variability of stars and other objects. (Estimated funding: \$170,000,000);
- The giant segmented mirror telescope: A 30-meter class telescope with integral adaptive optics. Near-infrared support of next generation space telescope for spectroscopy of highly redshifted galaxies, high resolution (7 mas) imaging and spectroscopy of young stars and planet forming disks. (Estimated funding: \$350,000,000);
- The advanced technology solar telescope; A four-meter class telescope for high resolution ( $\leq 0.1$  arcsec) imaging of the sun. Image down to scales comparable to the pressure scale height in the photosphere (70 km). Study of magnetic structures through the solar-cycle. The advanced technology solar telescope will be the prime ground-based solar telescope replacing the McMath-Pierce Facility at the Kitt Peak National Observatory in Arizona. Needs a high quality seeing site. National Solar Observatory funding. (Estimated funding: \$60,000,000); and
- The national virtual observatory: A distributed system for accessing and manipulating massive datasets in clever ways. Not just an archive, it will bring massive compute power to all users through collaboration with the Maui super computer center. (Estimated funding: \$60,000,000).

Other major programs identified for Hawaii include:



- The new planetary telescope: Replacement of National Aeronautic and Space Administration's 3-meter infrared telescope facility on Mauna Kea. (Estimated funding: \$80,000,000); and
- The High Dynamic Range Telescope: Replacement of the 3.6-meter Canada-France-Hawaii Telescope on Mauna Kea. (Estimated funding: \$120,000,000).

The legislature further finds that astronomy in Hawaii stands at the threshold of unprecedented opportunities to further build on its research, graduate education, and technical strengths to greater international prominence and excellence. Like the school of medicine and its proposed \$141,000,000 medical and biotechnology facilities in Kakaako Makai, the opportunities for developing more than one advanced technology telescope on Mauna Kea and Haleakala could ultimately be a spring board for a multi-billion dollar industry for Hawaii. Unfortunately, the lack of adequate resources would greatly reduce the institute for astronomy chances to actively pursue and influence the development of advanced technology telescopes on Mauna Kea and Haleakala.

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$709,000, or so much thereof as may be necessary for fiscal year 2001-2002, to maintain the institute for astronomy at the University of Hawaii as the leading center for astronomical research, and to develop Hawaii's natural resources in astronomy, including further strengthening research and graduate programs to greater international prominence and excellence and providing funds for "next generation telescope development", engineering and technical support, computer support, and related equipment and vehicles.

SECTION 3. The sum appropriated shall be expended by the University of Hawaii for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2001.

INTRODUCED BY: \_\_\_\_\_

## List of Telescopes Currently on Public Trust Lands on Mauna Kea

### Optical/Infrared

Acronym	Telescope Name	Size	Telescope Owner/Operator	Year Built
<u>UH 0.6m</u>	UH 0.6-m educational telescope	0.6m	University of Hawaii at Hilo	1968
<u>UH 2.2m</u>	UH 2.2-m telescope	2.2m	UH Institute for Astronomy	1970
<u>IRTF</u>	NASA Infrared Telescope Facility	3.0m	NASA	1979
<u>CFHT</u>	Canada-France-Hawaii Telescope	3.6m	Canada/France/UH	1979
<u>UKIRT</u>	United Kingdom Infrared Telescope	3.8m	United Kingdom	1979
<u>Keck I</u>	W. M. Keck Observatory	10m	Caltech/University of California	1992
<u>Keck II</u>	W. M. Keck Observatory	10m	Caltech/University of California	1996
<u>Subaru</u>	Subaru Telescope	8.3m	Japan	1999
<u>Gemini</u>	Gemini Northern Telescope	8.1m	USA/UK/ Canada/Argentina/ Australia/Brazil/Chile	1999

### Submillimeter

<u>CSO</u>	Caltech Submillimeter Observatory	10.4m	Caltech/NSF	1987
<u>JCMT</u>	James Clerk Maxwell Telescope	15m	UK/Canada/Netherlands	1987
<u>SMA</u>	Submillimeter Array	8x6m	Smithsonian Astrophysical Observatory/Taiwan	2002

### Radio

<u>VLBA</u>	Very Long Baseline Array	25m	NRAO/AUI/NSF	1992
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Source: [http://www.ifa.hawaii.edu/mko/telescope\\_table.shtml](http://www.ifa.hawaii.edu/mko/telescope_table.shtml)

# **Chronology of Construction on Mauna Kea**

**and other documentation**

**Department of  
Land and Natural Resources**

**1983**



DOCUMENTS FOR APPROVAL BY THE BOARD OF LAND AND NATURAL RESOURCES

CONSENT

April 22, 1983

HAWAII

SUBLEASE

UNIVERSITY OF HAWAII, as sublessor, and THE SCIENCE AND ENGINEERING RESEARCH COUNCIL (SERC), P. O. Box 18, Swindon, SN 2 1ET, Wilshire, England, as sublessee

General Lease No. S-4191 for a term of sixty-five (65) years commencing January 1, 1968, to December 31, 2033

LOCATION AND AREA

Kaohu, Hamakua, Island of Hawaii, same being a portion of the Mauna Kea Forest Reserve established by Governor's Proclamation dated June 5, 1909, identified as TMK 4-4-15:9 and containing an area of 13,321.054 acres, more or less, per C.S.F. No. 15344

PURPOSE

Scientific complex, including without limitation thereof an observatory, and as a scientific reserve being more specifically a buffer zone to prevent the intrusion of activities inimical to said scientific complex

REMARKS

Sublease Purpose---Construction and operation of a 15-meter telescope facility and appurtenant improvements

Sublease Area-----Final area and boundaries, including 20-foot-wide easement for road access and utility purposes, to be determined by sublessee and subject to verification by the Survey Division, Department of Accounting and General Services

Sublease Term----To coincide with the term of General Lease No. S-4191, which expires on December 31, 2033

Sublease Rental--\$1.00 per year payable to the University of Hawaii

EIS Requirement--To be satisfied by the sublessor

APPROVED BY THE BOARD OF  
LAND AND NATURAL RESOURCES  
AT 10:00 AM, APRIL 22, 1983

April 22, 1983

ITEM F-16E

April 22, 1983

A conservation district use application (HA-9/3/82-1515) for the project (sublease site and use) was conditionally approved by the Land Board under agenda Item H-11 on February 25, 1983, together with said approval, the Board further authorized temporary use of an existing unpaved parking area within the scientific reserve for concrete batching plant operations.

A review of the sublease agreement drafted by the University of Hawaii indicates no conflict with the provisions of General Lease No. S-4191. It is noted, however, that:

1. A provision gives the University of Hawaii the option of negotiating a renewal of the subject lease six months prior to the expiration date;
2. An operating and site development agreement, as a supplement to the proposed sublease, is being negotiated. Under such agreement, the sublessee will be required to provide a pro-rata share of cost for the infrastructure improvements such as power and access (if necessary approvals are obtained), and to provide the University of Hawaii with use of the telescope to be constructed as well as participate in scientific collaboration and interaction through research posts and studentships at the University of Hawaii in return, the sublessee is to be a participant in the University of Hawaii-Hilo activities.

#### RECOMMENDATION

Approval subject to the review and approval of the sublease document, including operational- and site-development agreement, by the State Attorney General; applicable conditions of CDUA HA-9/3/82-1515 as approved on February 25, 1983, under agenda Item H-11; and such other terms and conditions as may be prescribed by the Chairman.



GEORGE H. ARIYOSHI  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
P O BOX 621  
HONOLULU, HAWAII 96808

SUSUMU ONO, CHAIRMAN  
BOARD OF LAND & NATURAL RESOURCES  
EDGAR A. HAMASU  
DEPUTY TO THE CHAIRMAN

DIVISIONS:  
AQUACULTURE DEVELOPMENT  
PROGRAM  
AQUATIC RESOURCES  
CONSERVATION AND  
RESOURCES ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
LAND MANAGEMENT  
STATE PARKS  
WATER AND LAND DEVELOPMENT

FILE NO.: HA-7/22/82-1492  
180-Day Exp. Date: 1/20/83

December 17, 1982

Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Gentlemen:

Conservation District Use Application for  
Construction of the California Institute of Technology  
10-Meter Telescope for Millimeter and Submillimeter Astronomy  
at Mauna Kea, with Right of Entry at Hamakua, Hawaii

APPLICANT: University of Hawaii  
2444 Dole Street, Room 202  
Honolulu, Hawaii 96822

LANDOWNERSHIP: State of Hawaii, General Lease No. S-4191  
to the University of Hawaii

LOCATION: TMK: 4-4-15: 9

AREA OF PARCEL/USE: 13,321.054 acres/8,850 square feet  
on a .75 acre site

SUBZONE: Resource

DESCRIPTION OF AREA:

Access to the summit of Mauna Kea is from Saddle Road, Route 20, which connects Hilo to Mamalahoa Highway, Route 19. From Saddle Road at Puu Huluhulu, a paved road extends approximately six miles to Hale Pohaku. From there, an 8.5 mile unpaved one-lane road extends to the summit. Exhibit A shows the roads within the Science Reserve. Caltech's proposed site is adjacent to an unpaved road.

The applicant indicates there are no officially designated endangered plant species on the summit. Photographs of the proposed site indicate that the area is a likely site for lichens and bryophytes, the principal components of flora at the summit. The project site is not suitable for higher plant life such as ferns or seed bearing plants.

The topography of the site is relatively flat.

No utilities directly serve the site. The generator used for power needs at the summit is approximately 1,300 feet south of Caltech's proposed site. Two 12 KV underground power lines run from the generator to the summit cinder cone. The power is distributed through underground conduits to the existing telescope facilities. The microwave antenna which provides telephone communication to the summit is located on the UH 88-inch telescope facility. Water must

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due to its placement, it appears it would not be visible from the Saddle Road. The proposed facility could only be seen at a distance, by someone on the summit or upper slopes of Mauna Loa.

g. Monitoring of Air Quality

The applicant indicates this is done by the National Oceanic and Atmospheric Administration (NOAA) on both Mauna Loa and Mauna Kea. NOAA monitors the emissions from diesel generators used for power requirements on Mauna Kea.

h. Radio Frequency Interference

The proposed telescope is a passive telescope; it receives signals. It does not generate signals. Other telescopes now present on Mauna Kea do not experience interferences.

Local island radio operators (HAM operators) have expressed concern. The University has reassured operators that any communication systems now used operate at a frequency different from that used by HAM operators.

ANALYSIS:

Following review and acceptance of the application, for processing, the applicant, by letter dated August 4, 1982, was notified that:

1. The proposed use is a conditional use in the Resource Subzone of the Conservation District according to Title 13, Chapter 2, Administrative Rules, as amended;
2. A public hearing pursuant to Chapter 183-41, Hawaii Revised Statutes, as amended, was required and held;
3. An environmental impact statement in accordance with Section 1:31 of the EIS Regulations will be required for the proposed use and written clearance from the County of Hawaii regarding SMA requirements has been obtained.

The objective of the Resource Subzone is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas.

Section 13-2-21 relating to standards requires all applications be reviewed in such a manner that the objective of the subzone is given primary consideration.

This analysis consists of a review of the input received through 1) a chronology of past events, 2) agency review, the Public Hearing process, and the Environmental Impact Statement and 3) the Land Use Planning perspective.

1. Mauna Kea Chronology

- 1930 Hale Pohaku, "House of Stone" cabins constructed at 9,200 feet elevation. These cabins replaced a complex of buildings located at 7,800 foot elevation

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which had been used by Forestry personnel and road construction workers. Hale Pohaku was placed under the jurisdiction of State Parks division of Department of Land and Natural Resources in 1962, but has never been designated as a State park.

- 1963 Dr. Gerald P. Kuper of University of Arizona and University of Hawaii carries out first observatory site tests with State and Federal support.
- 6/18/68 Board of Land and Natural Resources leases all lands above the 12,000 foot elevation to the University of Hawaii for a period of 65 years. (General Lease No. S-4191. Area is designated "The Mauna Kea Science Reserve". Area is 13,321 acres)
- 7/68 UH/USAF 61 cm (24 inches) Optical telescope becomes operational.
- Fall, 1968 UH/NASA 61 cm (24 inches) Optical telescope becomes operational.
- 1/70 UH/NASA 2.24 cm (88 inches) Optical/Infrared Telescope becomes operational.
- 6/8/73 Board approves CDUA No. HA-4/27/73-442 for construction of underground electric distribution line from 12,950 feet to observatory at summit - a five foot wide easement running over a distance of 5,200 feet. (12.47 kv line).
- 5/10/74 Board approves CDUA HA-1/29/74-528 by Canada-France-Hawaii Telescope Corporation for observatory use. Hawaii Corporation for temporary buildings and utilities for construction workers.
- 5/24/74 Board approves CDUA HA-1/29/74-527 by DLNR - Land Management Division for Canada-France-Hawaii Telescope Corporation for observatory use.
- 6/14/74 Board approves CDUA No. HA-2/28/74-537 by the State of Hawaii, Department of Transportation, Highways Division for Mauna Kea Observatory Access Road.
- 6/13/75 Board approves CDUA No. HA-2/27/75-640 by Downs Laboratory of Physics for temporary portable Infrared Telescope use.
- 8/4/75 Governor accepts EIS for IRTF and UKIRT facilities. (see CDUA HA-653)
- 8/29/75 Board approves CDUA No. HA-3/25/75-653 for construction Infrared Telescope Facility (IRF) and United Kingdom Infrared Telescope (UKIRT) with access road.

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- 3/12/76 Board denies CDUA No. HA-1/2/76-746 by Science Research Council for temporary buildings.
- 5/14/76 Board approves CDUA No. HA-3/30/76-781 for construction of temporary living quarters for UKIRT workers at Hale Pohaku.
- 5/14/76 Board approves CDUA No. HA-4/26/79-789 for Temporary Access Use - a Batch Plant for construction of the UKIRT facilities.
- 7/23/76 Board approves CDUA No. HA-5/13/76-804 for  
8/26/76- improvements to existing buildings at Hale Pohaku;  
amended renovations - fire detection and alarm systems;  
replacement of stairs, walks, railings to mess hall and Dormitory Number Two.
- 5/13/77 Board approves CDUA No. HA-1/6/77-895 for interim mid-level facilities, replacement of buildings.
- 5/27/77 Board issues revocable permit for 4.0 acres at Hale Pohaku, a portion of which is occupied by the existing dormitory/mess hall constructed for UKIRT workers.
- 5/27/77 Revocable Permit No. S-5537 for four acres of Hale Pohaku issued. This permit replaced earlier Revocable Permit No. S-4440 for 12,000 square feet. A larger area - six acres was subdivided under CDUA No. HA-1430 replacing revocable permits.
- 9/9/77 Board approves CDUA No. HA-5/26/77-954 - an after-the-fact CDUA for three (3) telescopes: 88-inch telescope, 24-inch Air Force Telescope, and the 24-inch Planetary Control Telescope plus ancillary facilities (housekeeping CDUA).
- 9/9/77 Board approves CDUA No. HA-5/26/77-995 for interim power plant expansion. (Four generator building)
- 1/13/78 Board approves CDUA No. HA-11/9/77-1009 by the National Weather Service, U. S. Department of Commerce for Telemetry Improvements which are part of the Hawaii Regional Tsunami Warning System.
- 11/9/78 Mauna Kea Ice Age Natural Area Reserve approved by the BLNR.
- 11/9/78 Agreement of transfer between the Science Research Council (agents for United Kingdom Infrared Observatory) and the University of Hawaii approved. University accepts responsibility for facilities located at Hale Pohaku.
- 1979 NASA 3.0 cm (120 inches) Infrared Telescope becomes operational.

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- 1979 Canada/France/Hawaii Telescope (CFHT) 3.6 cm (144 inches) Optical/Infrared Telescope becomes operational.
- 1979 United Kingdom 3.8 cm (150 inches) Infrared Telescope becomes operational.
- 7/27/79 Board approves CDUA No. HA-2/14/79-1131 by the University of Hawaii for electric power use including interim and permanent improvements.
- 5/9/80 Board approves amendment to CDUA No. HA-2/14/79-1131 for temporary electrical power use.
- 5/16/80 Board approves CDUA No. HA-1210 for physiological research use involving hormone research for a period of six (6) days.
- 7/25/80 Board denies CDUA No. HA-3/17/80-1221 by Ski Shop Hawaii, Inc. for commercial snow skiing activities.
- 9/12/80 Board approves amendment to CDUA No. HA-527 for temporary research facility (Emilie Experiment); an experiment with a wide field photometer in the millimeter band.
- 3/2/81 Plans approved for replacement of Air Force 24 inch telescope with Vienna University Doppler 7-meter telescope. Amendment to CDUA: HA-5/25/77-524.
- 5/8/81  
Withdrawn CDUA No. HA-4/16/81-1284 for limited research and educational use by the University of Hawaii facility involving collection of data and specimens, biological, geological and atmospheric.
- 5/29/81 Board approves CDUA No. HA-4/6/81-1314 for Data Collection and Observation for evaluation of remaining observatory sites on Mauna Kea; data to be correlated with mainland data for site selection purposes. Data collection also found to include soil borings (per 6/16/82 DLNR letter to University of Hawaii).
- 6/2/81 Doppler 7-Meter Plans revised, reviewed and approved.
- 8/26/81 Board approves CDUA No. HA-7/23/81-1357 for boring work at Hale Pohaku, for Mid Level Facilities planning and design.
- 11/16/81 Governor, State of Hawaii, signed Executive Order establishing the Mauna Kea Ice Age Natural Area Reserve.
- 1/22/82 University of Hawaii Board of Regents approves Program Summary and Reserach Development Plan for Mauna Kea Science Reserve and Related Facilities.



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- 3/24/82      University of Hawaii presents Program Summary and Research Development Plan for Mauna Kea Science Reserve and Related Facilities to Department of Land and Natural Resources for review.
- 4/23/82      Board approves CDUA No. HA-3/14/82-1430 for subdivision and construction of Hale Pohaku Mid-Level Facilities with Right-fo-Entry for construction purposes.
- 6/29/82      University of Hawaii/Department of Land and Natural Resources meet to discuss and review Master Planning for Mauna Kea Science Reserve (First meeting).
- 7/82          Mauna Kea Science Reserve Master Plan, Environmental Impact Statement Notice of Preparation filed.
- 7/22/82      CDUA No. HA-7/22/82-1492 filed for construction of Caltech 10-Meter Telescope for Millimeter and Sub-millimeter Astronomy.
- 8/26/82      Governor accepts Environmental Impact Statement for California Institute of Technology 10-Meter Telescope for Millimeter and Sub-millimeter astronomy.
- 8/27/82      University of Hawaii/Department of Land and Natural Resources meet to discuss status of Mauna Kea Master Plan (Second meeting).
- 9/3/82        CDUA No. HA-1515 filed for construction of UK/NL Millimeter-Wave Telescope and Temporary Use of an Existing Unpaved Parking Area for a concrete batching plant in the Mauna Kea Science Reserve.
- 9/13/82      University of Hawaii/Consultants, Group 70 submit Preliminary Findings of Mauna Kea Science Reserve Master Plan; Schedule of Work Flow and Milestone Chart provided for department review and comment.
- 9/15/82      University of Hawaii, Institute of Astronomy, consultants and Department of Land and Natural Resources meet on Mauna Kea Science Reserve Master Plan. (Third meeting)
- 9/16/82      Consultant, Group 70, submits map of Mauna Kea Science Reserve Master Plan, Alternative Powerline Alignments for department review and comment.
- 9/21/82      Consultant submits Mauna Kea Science Reserve Master Plan, Outline for Management, Monitoring and Enforcement for review and comment.
- 9/82          Road to Lake Waiiau closed to prevent unauthorized vehicle use. This was done by the Natural Area Reserves System staff in compliance with the Department of Land and Natural Resources' 1977

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Mauna Kea Plan, which states that access to Lake Waiau shall be only by trail. Visitors wishing to see Lake Waiau must now walk from the parking area located at the Olde Batch Plant site.

10/8/82 Board approves amendment to CDDA No. 653A filed for expansion of UKIRT facility by constructing a 1600 square feet building for computer, laboratory and storage space plus paving 3000 square feet of unpaved area, adjacent to facility and planned 1600 foot expansion.

11/7/82 University of Hawaii Research Corporation submits Mauna Kea Science Reserve Complex Development Plan Draft Environmental Impact Statement, Volume 1 and Volume 2, Technical Appendices to Department of Land and Natural Resources and to the Office of Environmental Quality Control.

11/7/82 - Draft EIS under review by Department of Land and  
12/7/82 Natural Resources staff.

2. Agency Review, The Public Hearing Process and the Environmental Impact Statement

The Environmental Impact Statement (EIS) accepted on August 28, 1982, relating to this specific action causes Staff some concern.

- a. Several reviewers, as a part of the public review process of both the Notice of Preparation and the draft document have indicated their concern not with the program per-se, expressed by the University but by the manner in which the University is proceeding to implement their Program.

For example, the University's Environmental Center has suggested that:

"It is our understanding that the University has now adopted the "proposed" Research Development Plan and that under this plan, all future potential telescope sites and any necessary support facilities have been identified. The need now is for an overall EIS to address the impacts of the entire Research Development Plan (RDP). It appears from the Preparation Notice that such an approach is the recommended approach of the plan. What is unclear is the rationale in this EIS Preparation Notice that, because this (CALTECH) "application is preceding the adoption of the RDP, it is proceeding with its own EIS and CDDA." It would seem appropriate to delay assessment of this specific project until the State/University prepares the EIS for the total complex. Furthermore, if the RD plan has been adopted it would appear that consideration of the separate EIS would be contrary to the terms



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF LAND MANAGEMENT  
P. O. BOX 621  
HONOLULU, HAWAII 96809

April 22, 1977

Board of Land and  
Natural Resources  
Honolulu, Hawaii

Gentlemen:

HAWAII

Subject: Resubmittal  
Consent to Sublease, University of Hawaii and  
Science Research Council Relative to Erection  
and Management of Astronomical Observatory  
Facilities on the Summit of Mauna Kea, Kahohe,  
Hamakua, Hawaii

In 1968 the University of Hawaii, under General Lease No. S-4191, was granted the use of 31,321 acres of State land at the summit of Mauna Kea for 65 years.

The specified use is one of a scientific complex, including without limitation thereof, an observatory, and as a scientific reserve being more specifically a buffer zone to prevent the intrusion of activities inimical to said scientific premises.

Paragraph 5 of the lease covenants states, "The Lessee shall not sublease, subrent, assign or transfer this lease or any rights thereunder without the prior written approval of the Board of Land and Natural Resources."

Paragraph 6 of said covenant states, "The Lessee shall have the right ... to construct and erect buildings, structures and other improvements upon the demised premises; provided, that plans for construction and plot plans of improvements shall be submitted to the Chairman of the Board of Land and Natural Resources for review and approval prior to commencement of construction."

By letter dated February 4, 1976, the University of Hawaii, Procurement and Property Management Office, has requested that the Board give its consent to a proposed Sublease Agreement between the University and the Science Research Council of the United Kingdom. The Agreement will permit the Sublessee to use a portion of the summit area of approximately 32,000 sq. ft., as delineated on map appended to basic file, for purposes of erecting and managing astronomical observatory research facilities with assistance by the University.

The site designated on map is subject to survey by Sublessor within six (6) months from date of this sublease, and the exact area covered by this Sublease, and the easement thereon for the access road, and power and telephone lines reserved to Sublessor, shall be more specifically established by Sublessor and described by metes and bounds, and the same shall be binding upon the Sublessor and Sublessee.

DEPARTMENT OF LAND AND NATURAL RESOURCES  
AT ITS MEETING HELD ON

ITEM F-8

*Withdrawn*

April 22, 1977

In lieu of paying rental for the demised premises, the Sublessee will grant the Sublessor, its officers, employees, agents and invitees, the exclusive use during fifteen per cent (15%) of the time at the proposed facility, as more specifically detailed in a separate Agreement to be concluded between the parties.

On August 4, 1975, in a letter to the University of Hawaii, the Governor accepted the Environmental Impact Statement for the project; the Conservation District Use Application was approved by the Board, in conjunction with NASA facilities, on August 29, 1975, under agenda Item H-5; and on December 10, 1975, construction drawings for the facility were approved.

The terms and conditions of uses embodied in the proposed Agreement are in conformity with General Lease No. S-4191; i.e., paragraphs Nos. 5 and 6, abovementioned. The tenure of Agreement is for a principal term of not more than twenty-seven (27) years commencing on January 21, 1976, "... and thereafter subject to automatic extension without further notice or execution of further documents until the expiration of the General Lease on December 31, 2033." (Underscoring added.)

This submittal was deferred by the Board at its meeting of May 14, 1976, until such time as the following matters could be resolved:

1. That the University of Hawaii be allowed to use the observatory during 20% of the time; and that
2. This time should not be considered in lieu of rent payment, but in addition to rent payment.
3. Posting of a bond to guarantee removal of observatory structure and returning the site to a condition acceptable by the Department, in the event the observatory is not needed.

Conditions 1 and 2 have been resolved; the terms to remain as originally defined (15% of the time in lieu of rental payment

Under Condition 3, a bond of Three Hundred Thousand Dollars (\$300,000) is recommended.

RECOMMENDATION:

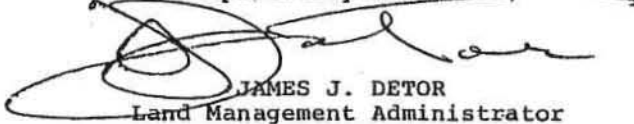
That the Board approve of and grant its consent to the proposed Sublease Agreement between the University of Hawaii and the Science Research Council of the United Kingdom, subject to the following terms and conditions:

- A. Either the Sublessee or Sublessor inform the Board in writing of any extension of the Sublease Agreement beyond the tenure of twenty-seven (27) years.
- B. The Sublessee post and keep in force for the term of the sublease a bond in the principal amount of Three Hundred Thousand Dollars (\$300,000) to guarantee removal of the observatory structure and returning

April 22, 1977


the site back to a condition acceptable by the  
Department, in the event the observatory is no  
longer needed.

Respectfully submitted,



JAMES J. DETOR  
Land Management Administrator

APPROVED FOR SUBMITTAL:



CHRISTOPHER COBB, Chairman



## EXAMPLES OF TELESCOPES OWNED AND OPERATED BY ENTITIES OTHER THAN THE UNIVERSITY OF HAWAII

“Today Keck Observatory is supported by both public funding sources and private philanthropy. As a 501(c)3, the organization is managed by the California Association for Research in Astronomy (CARA), whose Board of Directors includes representatives from the California Institute of Technology and the University of California, with liaisons to the board from NASA and the Keck Foundation.”



Source: <http://keckobservatory.org/about/partners>

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“Gemini was built and is operated by a partnership of seven countries including the United States, United Kingdom, Canada, Chile, Australia, Brazil and Argentina. Any astronomer in these countries can apply for time on Gemini, which is allocated in proportion to each partner’s financial stake.”

Source: <http://www.gemini.edu/about>

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### **Astronomers Must Compete for Telescope Time**

by Richard Wainscoat

“Over 90 IfA astronomers and graduate students are among those competing for the UH’s 10-15 percent of the observing time on Mauna Kea telescopes.”

Source: <http://www2.ifa.hawaii.edu/newsletters/article.cfm?a=260&n=1>

August 21, 1997

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

HAWAII

SUBJECT: Consent to sublease of General Lease #S-4191,  
Kahe, Hawaii, tax map key: (3) 4-4-15-9

Sublease: University of Hawaii, Sublessor and National Astronomical  
Observatory of Japan, Sublessee.

Encumbrance: General Lease #S-4191 issued to the University of  
Hawaii.

Lease term: Commencing January 1, 1968 to December 31, 2033 (65  
years).

Lease rental: **Gratis**

Location and area: **Mauna Kea** Science Reserve at Kahe, Hamakua,  
Hawaii, tmk: 4-4-15-9. (EXHIBIT A)

Character of use: Scientific complex, including without  
limitation thereof an observatory, and as a  
scientific reserve being more specifically a  
buffer zone to prevent the intrusion of  
activities inimical to said scientific  
complex. Activities inimical to said  
scientific complex shall include light and  
dust interference to observatory operation and  
certain types of electric or electronic  
installation on the demised lands, but shall  
not necessarily be limited to the foregoing.

Sublease use: Erecting a telescope facility to be constructed and  
operated by and at the expense of Sublessee through  
a contractual arrangement set forth in a separate  
"Operating and Site Development Agreement Between  
the National Astronomical Observatory of Japan and  
the University of Hawaii Concerning the Design,  
Construction and Operation of the 8-Meter Japan  
National Large Telescope on Mauna Kea, Hawaii  
(OSDA). Construction will include the Japan  
National Large Telescope (JNLT) building and dome,  
its optical/infrared telescope having an effective  
diameter of approximately 8 meters, related  
equipment and instrumentation and related support  
facilities and infrastructure improvements required  
on the demised premises to support the operations

of the JNLT.

Land title status: Subsection 5 (b) lands

Sublease  
consideration: \$1.00 per annum

Sublease term: June 5, 1992 to December 31, 2033

BACKGROUND:

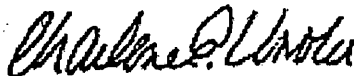
The sublease agreement started June 5, 1992 and is co CDUA HA-2462. The telescope facility is the Japan Nation Telescope (Subaru).

RECOMMENDATION: That the Board:

1. Consent to the above named sublease, subject to the following terms and conditions:

- A) Provisions of Section 171-21, Hawaii Revised Statutes, as amended, relating to rights of holder of security interest.
- B) Review and approval of the consent form by the Department of Attorney General.
- C) Such other terms and conditions as may be prescribed by the Chairperson to best protect the State's interest.

Respectfully submitted,



Charlene E. Unoki

APPROVED FOR SUBMITTAL:

  
MICHAEL D. WILSON, Chairperson

Submillimeter Array Telescope (SMA). Said improvements, together with additional improvements to be constructed outside the demised premises as described in section I.C. below, shall be referred to hereinafter as the 'Facilities'.

Copy of section I.C. is attached (EXHIBIT B).

Land title status: Subsection 5 (b) lands

Sublease consideration: \$1.00 per annum

Sublease term: May 15, 1995 to December 31, 2033


BACKGROUND:

The sublease agreement started May 15, 1995 and is covered by CDUA HA-2728. The telescope facility is the Submillimeter Array.

RECOMMENDATION: That the Board:

1. Consent to the above named sublease, subject to the following terms and conditions:
  - A) Provisions of Section 171-21, Hawaii Revised Statutes, as amended, relating to rights of holder of security interest.
  - B) Review and approval of the consent form by the Department of Attorney General.
  - C) Such other terms and conditions as may be prescribed by the Chairperson to best protect the State's interest.

Respectfully submitted,

  
Charlene E. Unoki

APPROVED FOR SUBMITTAL:

  
MICHAEL D. WILSON, Chairperson

GENERAL LEASE NO. S-4191

THIS INDENTURE OF LEASE, made this 21st day of June, 1968, by and between the STATE OF HAWAII, by its Board of Land and Natural Resources, pursuant to the provisions of Section 103A-90(b), Revised Laws of Hawaii 1955, as amended, hereinafter referred to as the "LESSOR", and the UNIVERSITY OF HAWAII, a body corporate, whose post office address is 2444 Dole Street, Honolulu, City and County of Honolulu, State of Hawaii, hereinafter referred to as the "LESSEE",

WITNESSETH THAT:

FOR and in consideration of the mutual promises and agreements contained herein, the Lessor does hereby demise and lease unto the said Lessee and the said Lessee does hereby rent and lease from the Lessor, all of that certain parcel of land situate at Kaohu, Hamakua, County and Island of Hawaii, State of Hawaii, and more particularly described in Exhibit "A", hereto attached and made a part hereof.

TO HAVE AND TO HOLD, all and singular the said premises, herein mentioned and described, unto the said Lessee, for and during the term of sixty-five (65) years, to commence from the 1st day of JANUARY, 1968, and to terminate on the 31st day of December, 2033.

RESERVING UNTO THE LESSOR THE FOLLOWING:

1. Water Rights. All surface and ground waters appurtenant to the demised premises, together with the right to enter and to capture, divert or impound water; provided, that the Lessor shall exercise such rights in such manner as not to interfere unreasonably with the Lessee's use of the demised premises; provided, further, that the Lessee shall have the right to use the waters of Lake Waiau for any purpose necessary or incidental to the use permitted by this lease on the following conditions:

a. No drilling or disturbance of Lake Waiau's bottom, banks or areas adjacent thereto shall be permitted;

b. No activity shall be permitted which will result in the pollution of the waters of Lake Waiau;

c. Lessee shall not take or divert any of the waters arising from springs which furnish the water supply for Pohakuloa, and no alterations to said springs shall be made by Lessee.

2. Access. All rights to cross the demised premises for inspection or for any government purposes.

3. Hunting and Recreation Rights. All hunting and recreation rights on the demised lands, to be implemented pursuant to rules and regulations issued by said Board in discharging its fish and game or state parks responsibilities; provided, however, that such hunting and recreation activities shall be coordinated with the activities of the Lessee on the demised lands; and provided, further, that such hunting and recreation activities shall be limited to day-light hours only.



4. Right to use Demised lands. The right for itself, and its successors, lessees, grantors and permittees, to use any portion of the lands demised and the right to grant to others rights and privileges affecting said land; provided, however, that, except as otherwise provided herein, no such use shall be permitted or rights and privileges granted affecting said lands, except upon mutual determination by the parties hereto that such use or grant will not unreasonably interfere with the Lessee's use of the demised premises; provided, further, that such agreement shall not be arbitrarily or capriciously withheld.

THE LESSEE, IN CONSIDERATION OF THE PREMISES, COVENANTS WITH THE LESSOR AS FOLLOWS:

1. Surrender. The Lessee shall, at the expiration or sooner termination of this lease, peaceably and quietly surrender and deliver possession of the demised premises to the Lessor in good order and condition, reasonable wear and tear excepted.

2. Maintenance of the Premises. The Lessee shall keep the demised premises and improvements in a clean, sanitary and orderly condition.

3. Waste. The Lessee shall not make, permit or suffer, any waste, strip, spoil, nuisance or unlawful, improper or offensive use of the demised premises.

4. Specified Use. The land hereby leased shall be used by the Lessee as a scientific complex, including without limitation thereof an observatory, and as a scientific reserve being more specifically a buffer zone to prevent the intrusion of activities inimical to said scientific complex.

Activities inimical to said scientific complex shall include light and dust interference to observatory operation.

*copy*  
~~during hours of darkness~~ and certain types of electric or electronic installation on the demised lands, but shall not necessarily be limited to the foregoing.

5. Assignments. The Lessee shall not sublease, subrent, assign or transfer this lease or any rights thereunder without the prior written approval of the Board of Land and Natural Resources.

6. Improvements. The Lessee shall have the right during the existence of this lease to construct and erect buildings, structures and other improvements upon the demised premises; provided, that plans for construction and plot plans of improvements shall be submitted to the Chairman of the Board of Land and Natural Resources for review and approval prior to commencement of construction. The improvements shall be and remain the property of the Lessee, and shall be removed or disposed of by the Lessee at the expiration or sooner termination of this lease; provided, that with the approval of the Chairman such improvements may be abandoned in place. The Lessee shall, during the term of this lease, properly maintain, repair and keep all improvements in good condition.

7. Termination by the Lessee. The Lessee may terminate this lease at any time by giving thirty (30) days' notice in writing to the Lessor.

8. Termination by the Lessor. In the event that (1) the Lessee fails to comply with any of the terms and conditions of this lease, or (2) the lessee abandons or fails to use the demised lands for the use specified under paragraph 4 of these covenants for a period of two years, the Lessor may terminate this lease by giving six months' notice in writing to the Lessee.

9. Non-Discrimination. The Lessee covenants that the use and enjoyment of the premises shall not be in support of any

policy which discriminates against anyone based upon race, creed, color or national origin.

10. General Liability. The Lessee shall at all times, with respect to the demised premises, use due care for safety, and the Lessee shall be liable for any loss, liability, claim or demand for property damage, personal injury or death arising out of any injury, death or damage on the demised premises caused by or resulting from any negligent activities, operations or omissions of the Lessee on or in connection with the demised premises, subject to the laws of the State of Hawaii governing such liability.

11. Laws, Rules and Regulations, etc. The Lessee shall observe and comply with Regulation 4 of the Department of Land and Natural Resources and with all other laws, ordinances, rules and regulations of the federal, state, municipal or county governments affecting the demised lands or improvements.

12. Objects of Antiquity. The Lessee shall not appropriate, damage, remove, excavate, disfigure, deface or destroy any object of antiquity, prehistoric ruin or monument of historical value.

13. Undesirable Plants. In order to prevent the introduction of undesirable plant species in the area, the Lessee shall not plant any trees, shrubs, flowers or other plants in the leased area except those approved for such planting by the Chairman.

IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the seal of the Department of Land and Natural Resources to be hereunto affixed and these presents to be duly executed this 21/06

day of June, 1968, and the UNIVERSITY OF HAWAII, by its Acting President and V.P. for Academic Affairs has caused these presents to be duly executed this 1st day of June, 1968, effective as of the day and year first above written.

STATE OF HAWAII

By: *Samuel L. King*  
ACTING Chairman and Member  
Board of Land and  
Natural Resources

And By: *Newton Okamoto*  
Member  
Board of Land and  
Natural Resources

UNIVERSITY OF HAWAII

By: *Robert W. Heath*  
ITS ACTING President  
MEMBER 7, 1968

And By: *Paul H. ...*  
ITS Vice President for Academic Affairs

APPROVED AS TO FORM:

*William M. ...*  
Deputy Attorney General  
Dated: 5/18/68

mm  
Proofed by: vl

## **State Law Requires Market-Based Rent for Use of Public Lands**

### **Hawaii Revised Statutes §171-17 and 18**

State lands atop Mauna Kea are currently leased to foreign telescope owners for less than the market-value of the land, in violation of Hawai'i Revised Statutes (HRS) § 171-17 and -18. The State is obligated to ensure that the Board of Land and Natural Resources (BLNR) renegotiate these leases to comply with state law.

#### **State law requires market-based rent be collected for the use of state lands**

HRS § 171-17 requires that the price of a lease for any public land be based on the appraised value of the land. The law specifically states:

“The sale price or lease rental of lands to be disposed of by drawing or by negotiation shall be no less than the value determined by:

- 1) an employee of the board qualified to appraise lands; or
- 2) a disinterested appraiser or appraisers...” HRS §171-17(b).

In addition, HRS §171-18 requires that proceeds from the lease of any public land be deposited in the general fund of the State Legislature. The law specifically states:

“All funds derived from the sale or lease or other disposition of public lands shall be appropriated by the laws of the State...”. HRS §171-18.

#### **State land on Mauna Kea is leased for less than the market-based value**

The entire summit of Mauna Kea is state land held in trust for the people of Hawai'i. (See, Haw. Const. Art. XII, §4). There are several leases between the BLNR and various foreign entities for the construction and use of astronomy facilities on the state lands of Mauna Kea for gratis or \$1 a year.

Although the appraised value of the state land on Mauna Kea is not known, it can be assumed that it is valued at far more than \$1 a year. Thus, the BLNR is in violation of HRS §171-17 for leasing state land for less than its appraised value. In addition, what little rent has been charged for the use of state lands on the summit has not been deposited in the general fund, in violation of HRS §171-18.

Contracts that violate the law are considered *void ab initio*, that is void from inception because they are against the public's interest. The BLNR may claim that the foreign entities leasing state land on Mauna Kea are exempt from HRS § 171-17 and -18 based on the 5(f) public purposes outlined in the Admissions Act. (See, 73 Stat. 6 (March 6, 1959)) This, however, is not a defense because the public purpose exemption for the use of state lands does not extend to leases by foreign entities. In addition, the astronomy facilities at issue do not meet the definition of public purpose outlined in the Act.

## The UH Hawaii System asks Lawmakers for Help

Reported by: Brianne Randle

Email: [brandle@khon2.com](mailto:brandle@khon2.com)

Last Update: 1/20 9:07 pm

"I believe that in this fiscal crisis higher education is part of the solution not part of the problem."

M.R.C Greenwood, President of the University of Hawaii System, wasted no time laying out her wish-list for the 2010 legislative session.

"Do ask you to restore funding for health and safety and sorely needed repairs and maintenance projects or at least some of it."

\$18-million: health/safety related projects. \$235-million: repair/maintenance funding A total of \$253-million dollars, and \$2.1 million for Mauna Kea to ensure Hawaii's bid for the Thirty Meter telescope. [TAKE SOT



"So even in these tough time we believe the State can help us help ourselves," said Greenwood.

Tough times to the tune of \$98-million. That's the dollar figure imposed on the UH System to cut from their budget this fiscal year.

"We've done a number of things to accommodate this and we're gonna have to do more," she said.

Planned Offsets/Savings: \$22-million in federal stabilization funds, \$2-million in Executive salary reductions, \$12-million in faculty payroll lag, \$18-million in salary reductions, \$44-million in other operational savings, tuition revenue, non-general funds, energy savings, program reductions.

"With these changes actually providing 4% more student credit hours with 9% fewer classes," said Virginia Hinshaw, U.H. Manoa Chancellor.

"This year right now we're asking for them to stop the bleeding and hopefully not perminatize all of these budget cuts," said Greenwood.

She says University Education should be a top priority for the state.

"It's the duty of every Department to come in and justify their budget," said Rep. Isaac Choy, House Finance Committee member.

But, with the state chasing a \$1.2-billion deficit...

"If no more money, no more money," says Rep. Choy.



**Office of Mauna Kea Management  
2011 Supplemental Funding Request**

**Description of Request:**

OMKM funds are requested to initiate baseline research, continue long-term monitoring programs and engage in activities necessary to implement and enforce the comprehensive management plan (CMP). OMKM is also in the immediate term responsible for preparing and submitting for approval four subplans to the Board of Land and Natural Resources. In addition, OMKM/UH is responsible for defending State and/or Federal Environmental Impact Statements and Conservation District Use Applications for the TMT and PanSTARRS projects. These costs include outside legal fees. In addition, OMKM will be developing administrative rules and will be responsible for implementing and enforcing those rules.

**Contribution to meeting strategic outcomes:**

The Office of Mauna Kea Management 1) assumes leadership in knowledge creation by building on existing research strengths and 2) promotes research through collaboration across disciplines, among campuses and with International colleagues.

**Justification:**

Since its establishment in August 2000, OMKM has been setting the groundwork for developing a comprehensive management plan (CMP). The primary purpose of the CMP is to guide OMKM in the preservation and protection of Mauna Kea's unique resources. Secondly, the CMP is a requirement pursuant to a Circuit Court ruling for all future development projects proposed for Mauna Kea. In early 2009, UH submitted its CMP to the Board of Land and Natural Resources (BLNR).

On April 16, 2009, the BLNR approved the CMP but imposed several conditions. The most significant condition was placing the responsibility on the Board of Regents (BOR) to implement the CMP. The BOR subsequently delegated that responsibility to UH Hilo/OMKM. The BLNR also imposed the condition requiring the preparation of four subplans. These subplans must be submitted to the BLNR for approval within one year or prior to the submittal of a Conservation District Use Application (CDUA), whichever occurs sooner. The subplans contain additional management recommendations, and once approved by the BOR and subsequently by the BLNR, OMKM will be responsible for implementing these additional management recommendations. Finally, OMKM is required to report annually in person to the BLNR the status of the implementation of the management recommendations contained in the CMP.

In addition, the legislature granted UH statutory authority to develop, implement and enforce administrative rules governing public and commercial activities on UH's managed lands. The development of the rules will require securing consultants to develop rules and, as required by law, holding public hearings. Implementation of administrative rules is critical in carrying out the management recommendations of the CMP.

There is no doubt that implementation of the CMP and administration of the rules will require additional personnel, research, and other resource management programs. The CMP calls for research to fill in the information gaps necessary for OMKM to properly manage the resources. The CMP and its accompanying subplans identify those research gaps.

OMKM's responsibilities include the preparation and submittals of Environmental Impact Statements (EIS) and CDUAs for proposed major projects on Mauna Kea. Each of these submittals are subject to legal proceedings, including contested case hearings and potential lawsuits and, therefore, requires legal consultation and review which is not available within UH. Currently, there are two projects that are in the process of developing their EIS and each is scheduled to submit their CDUAs in 2010.

Operations costs are very high due to the type of activities OMKM, in particular the rangers, must contend with on a daily basis. Activities are especially high risk due to the exposure to changeable and extreme weather conditions; harsh, remote and variable work conditions; long and frequent drives on unimproved and dangerous roads; and caring for the health and safety of the public on rough and remote terrain.

OMKM's activities and operations are critical elements of the infrastructure necessary to support world-renowned astronomical research. This infrastructure includes research, monitoring and protection of the biological, physical, and cultural resources of Mauna Kea, without which the community would be adverse to the advancement of astronomy research programs on Mauna Kea.

**Strategic outcomes which will be met:**

Goals and Objectives of the University's Strategic Plan include: 1) assuming leadership in knowledge creation by building on existing research strengths, addressing critical gaps, and capitalizing on Hawaii's natural advantages; and 2) promoting research through collaboration across disciplines, among campuses, and with international colleagues. Management of the summit of Mauna Kea directly supports excellence in research on Mauna Kea. By protecting the resources, Mauna Kea can continue to be a place where Hawaiian culture will thrive and global interdisciplinary research in astronomy, biology, hydrology, and geology will also thrive. Without proper management, these activities cannot be allowed to continue because of the potential negative impact to the resources, including potential destruction of archaeological and cultural sites and habitat of the wekiu bug, a candidate for Federal threatened and endangered status.

**Overall benefit to the state, system, UH Hilo and individual students:**

By helping to ensure UH's continued world leadership in astronomical research and education, the overall benefit is to the entire UH system, with special emphasis on UH Manoa and UH Hilo. As long as Mauna Kea maintains its lead as a premier location for ground-based astronomical research, UH will continue to receive the best and most advanced technological astronomy related project proposals. UH Hilo's Astronomy & Physics Dept. will benefit because of access to its own instructional telescope on Mauna Kea, which will attract students to UH Hilo with ancillary benefits to other UH Hilo science and research programs.

The economic and social benefits to the Big Island community and State are enormous. Astronomy is a vital part of the State's efforts to expand its high technology industry. It adds diversity and stability to Hawai'i's economy which is highly dependent on the visitor industry, a volatile industry tied to the health of national and global economies.

Social benefits include expansion and development of excellence in science, engineering and mathematics programs of Hawai'i's institutions of higher learning; opportunities for local students (in particular, Native Hawaiians) to obtain degrees and skilled jobs in the high tech fields; and raised standards of living for Hawai'i's people.

In order to maintain its lead in the science of astronomy and attract new projects, the University and State must mend the broken trust with the community. It is the community that will allow astronomy to continue to thrive on Mauna Kea, but it must know there is harmony, effective and respectful management of the mountain, and respect for Native Hawaiians and their culture.

**Consequence to the state, system, UH Hilo and individual students if this proposal is not funded:**

UH and the State will not benefit if astronomy declines. Without the operations of, and proper management by OMKM of the summit of Mauna Kea, UH will be unable to provide appropriate stewardship for the summit's natural and cultural resources or to maintain an appropriate environment for astronomy. Any future changes, including expansion or improvements to any observatory, including UH's, hinge on the successful management by OMKM.

**Outcome measurement:**

Success of the proposal will be the successful implementation of the CMP and OMKM's policies and directives, and acceptance by the community of astronomy on Mauna Kea. Success will also be measured by the number of jobs, expansion of UH Manoa's and UH Hilo's academic astronomy programs, including increased enrollment; increased research grants; and expansion of, and increased vitality of the Big Island economy.

**Current resources being applied to this area:**

There are currently two full time administrative and four part time personnel. Total annual salaries is approximately \$210,000. The balance of funds are used to support and maintain the ranger corps; fund long-term, on going surveys and multi-year research projects; development of management plans, including the Public Access Plan; development, implementation and enforcement of administrative rules; and outreach, including newsletters, brochures, public meetings/hearings, open houses and/or town hall meetings.

**Reallocation of current resources:**

UH does not have sufficient current resources to reallocate.

**Expenditures made for this effort in prior years:**

Funds have been expended on research of some the more sensitive resources found on Mauna Kea. These include an archaeological inventory of the entire 11,288 acres of the Mauna Kea

Science Reserve; ongoing surveys and 5-yr study of the life history of the wekiu bug, a candidate species for endangered/threatened status; funding of a 4-year climate study related to wekiu bug food dispersal patterns; surveys to establish baseline information on alien species; funding of an archival research project on historical observations and use of Mauna Kea; funding of an oral history project; establishment of a 5 member permanent ranger corps; funding of the operations of the ranger program; funding of the development of cultural and natural resources management plans; hiring of part-time librarians and establishment of a resource library, development of database system for recording daily observations by the rangers; and funding of a mapping project.

The work initiated by OMKM has yielded information about the Science Reserve that to date has been largely unknown. Now OMKM has a better idea about the resources it is charged to protect and preserve. The ranger program is a highly successful one. The presence of rangers has helped to increase awareness of the significance of the mountain to the visiting public; have helped to curtail degradation to the resources through their interaction with the public and their daily monitoring of activities on the mountain; monitor commercial operators and prevent inappropriate activities that are harmful to the mountain; provide safety functions, including traffic control and first aid assistance. The archaeological inventory has resulted in a clearer picture of the cultural landscape. Wekiu bug research has increased the knowledge of the bug's habitat range and a better understanding of the biology of the bug, which until recently, very little was known.

Daily recording of data by the Rangers are inputted into a database. There are now statistics relating to vehicular traffic, recreational activities, observatory and commercial tour activities.

**Impact on other state programs/agencies:**

Astronomy is tied into and part of the State's high technology industry which is administered and monitored by DBEDT. Success of astronomy contributes to the State's program to expand its high tech industry. Mauna Kea is a visitor destination because it attracts visitors to the mountain, in particular, Japanese visitors. Visitors use commercial operators to provide transportation to Mauna Kea to view the sunset and to star gaze at lower elevations. OMKM is a partner and neighbor to DLNR lands. OMKM's rangers help provide oversight of DLNR's Mauna Kea Ice Age Natural Reserve, the location of the best known adze quarry in Hawai'i.

**Program ID:**

Currently, OMKM is a part of and is included in UH Hilo's budget and Program ID. It is recommended that the University request that while OMKM remain administratively under UH Hilo, a separate Program ID be established for OMKM in order to account for and monitor its appropriations and expenditures separately.

Office of Mauna Kea Management  
 Request for Additional Funds for CMP Implementation  
 Supplemental Budget Fiscal Year 2010-2011

Operating Budget Attachment B

	FY 2011	
	FTE	\$
<b>Salaries</b>		<b>TOTAL</b>
<b>Enforcement:</b>		
Enforcement officer	(2.00)	\$101,500
Chief ranger/enforcement officer	(1.00)	\$72,100
<b>Subtotal Enforcement Salaries</b>	<b>(3.00)</b>	<b>\$173,600</b>
<b>Administrative and Professional:</b>		
Assoc Director (CMP Implementation)	(1.00)	\$82,400
Development Officer/Grant Writer	(1.00)	\$77,250
Fiscal Support	(1.00)	\$41,200
Internal Legal Counsel (Rules Administrator)	(1.00)	\$103,000
<b>Subtotal Administrative and Professional Salaries</b>	<b>(4.00)</b>	<b>\$303,850</b>
<b>Other Payroll Cost:</b>		
Overtime & seasonal requirements		\$34,720
Casual Hire		\$50,000
<b>Subtotal Other Payroll Costs</b>		<b>\$84,720</b>
<b>Subtotal Salaries</b>	<b>(7.00)</b>	<b>\$562,170</b>
<b>Operating Expenses</b>		
UH Hilo Government/Community Relations and Administrative Support		\$130,250
Legal Fees		\$300,000
<b>Total Operating Expenses</b>		<b>\$430,250</b>
<b>Total Salaries and Operating Expenses</b>	<b>(7.00)</b>	<b>\$992,420</b>
<b>Program Expenses</b>		
<b>Research</b>		
Base line inventories		\$225,200
Capacity, Traffic and Public Facilities		\$331,000
<b>Monitoring Programs</b>		
Cultural		\$128,000
Environmental		\$107,000
<b>Management Programs and Plans</b>		
Development of Rules & BLNR Subplans		
Outreach, Education, Compliance & Recreational Programs		\$220,000
<b>Public Awareness and Outreach</b>		
Brochures, Newsletters, Web		\$75,750
Public Meetings		\$70,750
Program Evaluation		\$130,000
<b>Total Program Expenses</b>		<b>\$1,287,700</b>
<b>TOTAL SALARIES, OPERATING AND PROGRAM EXPENSES</b>	<b>(7.00)</b>	<b>\$2,280,120</b>
<b>Less: Revenue from Fees</b>		<b>(\$100,000)</b>
<b>TOTAL SALARIES, OPERATING AND PROGRAM EXPENSES Less REVENUE</b>	<b>(7.00)</b>	<b>\$2,180,120</b>



# Sierra Club Hawai`i Chapter

PO Box 2577, Honolulu, HI 96803  
808.538.6616 [hawaii.chapter@sierraclub.org](mailto:hawaii.chapter@sierraclub.org)

March 29, 2010

Testimony In Support

Senate Resolution 118 and Senate Concurrent Resolution 227:

REQUESTING, FOR REVIEW BY THE LEGISLATURE AND THE AUDITOR, AN ACCOUNTING AND REPORT CONCERNING ITEMS OF VALUE, INCLUDING VIEWING TIME ON MAUNA KEA TELESCOPES, PROVIDED TO THE UNIVERSITY OF HAWAII AND ITS INSTITUTE FOR ASTRONOMY FOR THE LEASE OR USE OF FACILITIES ON PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA.

Senate Committee on Higher Education

March 30, 2010

Room 225

1:15 p.m.

Aloha, Chairs, and Committee Members,

Sierra Club, Hawaii Chapter has a forty year history of advocacy for appropriate protection and management of the conservation district lands on the summit and slopes of Mauna Kea. Sierra Club members have provided expertise, testimony, and hundreds of hours of volunteer time to committees convened to formulate plans to protect the natural and cultural resources of this fragile heritage unique to Hawaii.

While hundreds of millions have been spent in telescope construction and ongoing maintenance on the summit of Mauna Kea, the same cannot be said for the protection of the thousands of acres conservation lands held in trust by DLNR for the people of Hawaii and Native Hawaiians. The conditions placed on the lessee, the University of Hawaii, when the lease for a single telescope was transacted, and in 1985 when the first management plan was approved the Board of Land and Natural Resources (BLNR) called for resource inventory, ongoing monitoring, appropriate management, and ultimately complete site restoration. The funding required to carry out the agreements made by the University never matched the promises made, neither in lean times, nor in rich times.

While the observatories generate an unknown level of revenue from lucrative viewing contracts, patents, tour operators, Visitor Information Station sales and other arrangements, UH continues to seek public tax money from the Legislature. This year the UH system requested \$253 million from the Legislature, including \$2.1 million for activities related to Mauna Kea. A significant portion of this request involves outside legal defense for two proposed telescopes that have not even been approved by any of the responsible parties.



I quote the statement by UH Regents to the Legislature:

OMKM funds are requested to initiate baseline research, continue long-term monitoring and engage in activities necessary to implement and enforce the CMP...In addition, ***OMKM/UH is responsible for defending State and or Federal Environmental Impact Statements and Conservation District Use applications for the TMT and PanSTARRs projects. These costs include outside legal fees...***

In the recently approved UH Comprehensive Management Plan (CMP), the Decommissioning Plan (DP) reveals that there is currently no legally binding requirements that would force any of the observatories to do either decommissioning or clean up, including clean up of hazardous material, brown fields and contaminated soil.

On page 6 the DP states,  
2.2.4 Site Abandonment

Although unlikely, it is possible that a sublessee could abandon an observatory in place, without deconstructing and site restoration. If this happens, UH, as the lessee to DLNR, will ultimately be will be responsible for the site through the terms of their master lease.

Once again the the taxpayers can get saddled with the clean-up since they, and you, the legislature, fund both the BLNR and the UH.

Over and over, the budget concerns for proposed actions are mentioned in the CMP sub-plans, but no funding source (other than the taxpayer, through University base-funding) is identified. “*OMKM may need to secure increases in base funding or obtain funds from other sources. If funding is limited, the NRMP may be implemented incrementally.*” (NRMP 5-12)

**It's time for the Legislature to demand a full accounting of the UH IfA astronomy revenues, in-kind transactions, and income generating partnerships.**

At a time when our most vulnerable residents are suffering, children's education is rationed, and increased taxes are levied to maintain basic services, we must explore all possible avenues of funding. We are calling for the private corporations and foreign governments to contribute their fair share by paying, into the general fund, the market based rent required by law.

Sierra Club and a hui of Native Hawaiian organizations and individuals resolutely request that the state stop the favoritism. One dollar in rent for 13,000 acres is not fair, it's counter to the public trust, and it ignores the law. We ask you to seek full documentation of the viewing time heretofore provided in lieu of rent, to ascertain the value of the resource, and to seek just compensation, in order to provide funds sorely needed for the land and people of Hawaii.

Sincerely,  
Deborah Ward, Mauna Kea Issues Co-chair, Sierra Club, Hawaii Chapter

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, March 27, 2010 3:54 PM  
**To:** HRE Testimony  
**Cc:** kahiwal@cs.com  
**Subject:** Testimony for SR118 on 3/30/2010 1:15:00 PM

Testimony for HRE 3/30/2010 1:15:00 PM SR118

Conference room: 225  
Testifier position: support  
Testifier will be present: No  
Submitted by: Clarence ku Ching  
Organization: Individual  
Address: 64-823 Mamalahoa Highway Kamuela, HI 96743  
Phone: (808)769-3828  
E-mail: [kahiwal@cs.com](mailto:kahiwal@cs.com)  
Submitted on: 3/27/2010

Comments:

At a time when the state is in a dire financial situation, and if a fair-value rent were paid by astronomy facilities on Mauna Kea by national telescopes of foreign nations who are in lots better economic status than the state - all participants would be better off.

It is a known fact that a fair rent - such as that paid by Yale University for the Kecks - that derived incomes thereof would approach astronomical figures such as the heavens that the users are observing.

On the other hand, with the kinds of private support that such observatories as the Kecks and that of the proposed TMT (multi billionaires Mr. and Mrs. Moore, co-founder of Intel) - it is a crime that they are or will be reaping the rewards of a nominal rent approaching \$1 per year - riding on the financial coattails of the state and of the Hawaiian people (as OHA should get a piece of the action).

Additionally, where is the fairness to the State of Hawaii when the Keck Observatory, if it pays as much as \$1 per year turn around and sell its surplus viewing time for millions of dollars - and pocketing the money?

Presently, does OHA get the value of 20% of the value of observing time that is supposed to be paid in lieu of rent? I don't think so.

At the very least - there should be an accounting of the millions of potential dollar income that is involved on the mountain.

Thanks for this opportunity.

Clarence ku Ching

---

**From:** Jeff Sacher [mailto:jsacher@kona.net]

**Sent:** Sunday, March 28, 2010 8:01 AM

**To:** All Senators

**Subject:** SR118 and SCR227

Aloha,

Please pass both SR118 and SCR227. Our state should get fair market value for all leased lands; especially in light of our current financial situation.

Mahalo,

Jeff Sacher

Kawaihae, Big Island

**Be not afraid of going slowly...be afraid instead of standing still.**

**LATE  
TESTIMONY**



Office  
1149 Bethel St., Ste. 415  
Honolulu, HI 96813  
877.585.2432 toll-free ph/fx

Mailing Address  
P.O. Box 37368  
Honolulu, HI 96837

**LATE**

www.KAHEA.org  
kahea-alliance@hawaii.rr.com

**SCR227/SR118 Fair Market Rent for Use of Mauna Kea  
Room 229, 1:15 pm  
March 30, 2010**

Aloha Senator Tokuda and members of the Committee on Higher Education,

Mahalo for this opportunity to express our strong **support for SCR 227 and SR 118**. For too long, the state has allowed wealthy nations and corporations to build telescopes on Mauna Kea's public lands free-of-charge. Millions of dollars have been generated from the use of Mauna Kea, but that money has completely bypassed the state's general fund – no taxes, fees, or rent have been collected for the benefit of state taxpayers.

This resolution is the first step towards rectifying this insulting inequity because it directs the State's Auditor to objectively assess the market-based value of telescope activities on Mauna Kea for the purposes of collecting rent. We urge you to support this resolution because:

**A. The Law Requires Market-based Rent be Charged for the use of Public Lands**

Hawaii Revised Statutes § 171-17 states that:

“The sale price or lease rental of lands to be disposed of by drawing or by negotiation shall be no less than the value determined by:

- 1) an employee of the board qualified to appraise lands; or
- 2) a disinterested appraiser or appraisers...” HRS §171-17(b).

In addition, HRS §171-18 requires that proceeds from the lease of any public land be deposited in the general fund of the State Legislature.

**B. Collecting Rent Benefits the University of Hawaii and All the People of Hawaii**

The University of Hawaii, as well as every public service and institution in Hawaii, is crippled by the budget crisis. Without new revenue sources, our only choices are to raise taxes and further reduce important public services. Collecting the rent owed on the use of public lands on Mauna Kea from the wealthy countries and companies that own and operate these telescopes is one such new revenue source. By acting in our collective best interest, we can avoid debilitating cuts and increased taxes, and comply with state law.

Mahalo,

Marti Townsend  
Program Director



76 North King Street, Suite 203  
Honolulu, Hawai`i 96817

Phone: 533-3454; E: [kat.lifeoftheland@gmail.com](mailto:kat.lifeoftheland@gmail.com)

**COMMITTEE ON HIGHER EDUCATION**

Senator Jill Tokuda, Chair

Senator Norman Sakamoto, Vice Chair

Tuesday, March 30, 2010

1:15 p.m.

Room 225

**STRONG SUPPORT for SCR 227/SR 118 – Mauna Kea**

[HRETestimony@capitol.hawaii.gov](mailto:HRETestimony@capitol.hawaii.gov)

Aloha Chair Tokuda, Vice Chair Sakamoto and Members of the Committee!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai`i's own energy, environmental and community action group advocating for the people and `aina for over four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

SCR 227/SR 118 requests that the UH Institute for Astronomy provide a written report of viewing time in lieu of lease rent and for the use of public trust lands on the summit of Mauna Kea.

Life of the Land is in strong support of this Resolution.

These dire financial times force Hawai`i to look for revenue to repair and mend the safety net that protects her most vulnerable people. If we look at the science reserve from a business standpoint, it is quite common for businesses to lease a building and then pay someone else to manage the property. Therefore, it makes sense that:

- The owners of the telescopes would pay rent to have their equipment on the premier viewing site on the planet. These funds would go into the general fund.
- The owners of the telescopes would pay for the management of the science reserve. This money would go to UH to cover the \$2.1 million they are requesting from the general fund for protection and management of Mauna Kea and/or time on the telescopes.

As proponents of open government, Life of the Land supports the audit. Transparency and accountability are crucial to good government. You have a responsibility to the people of Hawai`i to ensure that these special places are protected and cared for.

Mahalo for this opportunity to share our thoughts.



Sen. Jill Tokuda

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

By law, rent collected by the state on Mauna Kea goes to support critical public services--like education, health care and environmental protection. How much can a school buy for \$1/year? Not much. The people of Hawai'i deserve better--and today we're asking for an accounting of what is fairly owed.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Mr. Thomas Tizard  
retired

  
Kailua, HI 96734

Sen. Norman Sakamoto

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?

Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Kylie Polzin



Honolulu, HI 96818

Sen. Roz Baker

**LATE**

Please support SCR 227 and SR 118.

The time has come to collect our due. Hawai'i is in its worst financial crisis ever: schools closed, state workers furloughed, basic public needs not met. Yet. The State continues to rent out Mauna Kea's conservation district as an industrial telescope park for the bargain price of \$1.00 a year.

Mauna Kea is our public land. While we continue to work towards its protection as a conservation district and halt unnecessary destruction of the sacred landscape, we also know that state law requires fair market rent be collected for all use of our public trust land. Instead, for 40 years, the state has failed this duty, essentially giving unique and sacred summit lands away for free to some of the wealthiest nations, companies and institutions on the planet. In the midst of our state fiscal crisis, this is outrageous.

You know: nothing is ever free. This sweetheart \$1-a-year deal is subsidized by you and by me--all of the people of Hawaii. This is lost revenue for critical public programs like education, health care, and environmental protection. By some estimates, we have been subsidizing the industrial telescope park on Mauna Kea to the tune of \$50 million every year for the last 40 years. If rent had been paid over the just last ten years--the state would have collected \$500 million dollars--which is almost one-half of the current state budget shortfall. We could be funding critical services and reducing the need to increase taxes. Rent is required by law and is due now!

The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Donna Werner

  
Kihei, HI 96753

Sen. Brian Taniguchi

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

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Thank you and aloha.

Evan Silberstein

  
Honolulu, HI 96822

(808) 634-0359

Sen. Dwight Takamine

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Alex White



Hilo, HI 96720

Sen. Russell Kokubun

**LATE**

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Mahalo!

Nicole Olayon

  
Keaau, HI 96749

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Sen. Brian Taniguchi

**LATE**

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Thank you and aloha.

Alana Bryant

  
Honolulu, HI 96822

429-0479



Sen. Russell Kokubun

**LATE**

Please support SCR 227 and SR 118.


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mr. Richard Powers

  
Naalehu, HI 96772

Sen. Dwight Takamine

**LATE**

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Randal McEndree

  
Hilo, HI 96720

Sen. Brian Taniguchi

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Kevin coleman



Honolulu, HI 96826

Sen. Dwight Takamine

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Thank you and aloha.

Judy vuono

  
Kamuela, HI 96743

Sen. Russell Kokubun

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms. Cynthia Hathaway

  
Keaau, HI 96749

Sen. Colleen Hanabusa

**LATE**

Please support SCR 227 and SR 118.

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Helen Patterson

  
Waianae, HI 96792-1940

Sen. Dwight Takamine

**LATE**

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Anne Warren

  
Kamuela, HI 96743-0477



Sen. Russell Kokubun

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Satya Anubhuti

  
Pahoa, HI 96778

Sen. Jill Tokuda

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

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The State repeatedly gives corporate welfare to major private businesses. This pattern was repeated when it keeps funding the HTA (as much as \$87 million per year) and refuses to defund it in the face of higher priority needs in education and protection of the state's priceless environmental and cultural resources. It does it regularly when it charges A&B no more than 1/4 of a penny per 1,000 gallons to prop up an obsolete and unsustainable sugar plantation on Maui at the cost of restored streams in East Maui that has decimated that community and its precious traditions, culture, and economic security. The low price deprives the state and OHA of millions of dollars we desperately need today! Don't perpetuate this criminal neglect of the essence of Hawai'i in favor of short-term profit and gain by corporations who hold Hawai'i hostage to the threat of the loss of jobs. At least identify the size of these subsidies when given and not mask them.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Alan Murakami

[REDACTED]  
Kailua, HI 96734  
[REDACTED]

Sen. Roz Baker

**LATE**

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Mr. & Mrs. Moore Skye Loe

xxx

Kihei, HI 96753

Sen. Brian Taniguchi

**LATE**

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, HI 96826

Sen. Dwight Takamine

**LATE**

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Thank you and aloha.

Jeff Sacher

  
Kamuela, HI 96743

Sen. Russell Kokubun

**LATE**

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Dave Kisor

  
Kaneohe, HI 96744

Sen. Brian Taniguchi

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Thank you and aloha.

Nancy Aleck

, HI 96822-1632



Sen. Russell Kokubun

**LATE**

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Ms. Janet Taylor

  
Hilo, HI 96721

Sen. Dwight Takamine

**LATE**

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The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Ray Broggini

  
Paauilo, HI 96776

Sen. Brian Taniguchi

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Inamatahena Suzanna Ohoiner

  
Honolulu, HI 96826



Sen. Dwight Takamine

**LATE**

Please support SCR 227 and SR 118.

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Anne Warren

[REDACTED]

Kamuela, HI 96743-0477

Sen. Russell Kokubun

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

mr. Richard Powers

[REDACTED]

Naalehu, HI 96772

Sen. Jill Tokuda

**LATE**

Aloha!

I am extremely concerned about the financial crisis Hawaii is in. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our BASIC NEEDS met. But how will we ever do that, if the state continues to give away our land for f-a-r less than it is worth?


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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms. Suzanne IIDA

  
Kaneohe, HI 96744-5307

Sen. Roz Baker

**LATE**

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kelly prince

  
kihei, HI 96753



Sen. Brian Taniguchi

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

[REDACTED] Scott Foster  
Writer & Communications Consultant

[REDACTED]  
Honolulu  
Honolulu, HI 96822

[REDACTED]

Sen. Dwight Takamine

**LATE**

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Nelson and Jennifer Ho  
Conservation activist

  
Hilo, HI 96720

Sen. Russell Kokubun

**LATE**

I am writing to ask you to please support SR 118 and SCR 227.

Collect the rent for use of Mauna Kea's summit. It is a commercial / industrial zone that generates millions of dollars.


The UH Institute for Astronomy says it's paying fair rent by allowing UH students to use the telescopes.

That means that all of the millions of dollars taken in by the telescopes only benefits less than 100 students?

Is this fiscal responsibility?

Thank you and aloha.

Joan Lander

  
Naalehu, HI 96772-0029

Sen. Brian Taniguchi

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

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Thank you and aloha.

elizabeth C kane

████████████████████  
██████████  
honolulu, HI 96826  
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Sen. Russell Kokubun

**LATE**

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Ms. Janet Taylor

[REDACTED]  
[REDACTED]  
Hilo, HI 96721

Sen. Dwight Takamine

**LATE**

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Thank you and aloha.

 Nig Norman Liborio

  
Papaikou, HI 96781

Sen. Russell Kokubun

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms. Cynthia Hathaway

[REDACTED]

Keaau, HI 96749



Sen. Dwight Takamine

**LATE**

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Mahalo!

Sanoë Kauhane

  
Mt. View, HI 96771

Sen. Jill Tokuda

**LATE**

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Nicholas Wilhoite



Kailua, HI 96734

Sen. Roz Baker

**LATE**

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Barbara Best

  
Wailuku, HI 96793

Sen. Brian Taniguchi

**LATE**

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Thank you and aloha.

Alison Hartle



Honolulu, HI 96822

Sen. Dwight Takamine

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


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Mahalo!

Claudia Woodward-Rice

  
Honolulu, HI 96728

Sen. Russell Kokubun

**LATE**

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Mahalo!

Tutabelle Ojeda

  
Keaau, HI 96749

Sen. Brian Taniguchi

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Thank you and aloha.

Harvey Arkin



HONOLULU, HI 96822

Sen. Russell Kokubun

**LATE**

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Julie Leialoha

  
Keaau, HI 96749-1792



Sen. Dwight Takamine

**LATE**

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Thank you and aloha.

Kim Morishige

  
Honolulu, HI 96815

Sen. Dwight Takamine

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Thank you and aloha.

barton susan

[REDACTED]

O'okala, HI 96774

Sen. Sam Slom

**LATE**

Aloha!

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Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms B.A. McClintock

  
Honolulu, HI 96825

Sen. Dwight Takamine

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.


Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Mahina Patterson

  
Kamuela, HI 96743

Sen. Jill Tokuda

**LATE**

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Thank you and aloha.

Mr. Thomas Tizard  
retired

  
Kailua, HI 96734

Sen. Brian Taniguchi

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Professor Spencer Leineweber

[REDACTED] ad

[REDACTED]

Honolulu, HI 96822

[REDACTED]

Sen. Dwight Takamine

**LATE**

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Mahalo!

Mahealani Jones

  
Hilo, HI 96720

Sen. Russell Kokubun

**LATE**

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Thank you and aloha.

normand dufresne

  
pahoa, HI 96778



Sen. Brian Taniguchi

**LATE**

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Mahalo!

Ephrosine Daniggelis

[REDACTED]

[REDACTED]

Honolulu, HI 96839

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Thank you and aloha.

Dennis Vierra

  
Hilo, HI 96720-3733

Sen. Dwight Takamine

**LATE**

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The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Scotlee mcdougall

[REDACTED]  
Kamuela, HI 96743

Sen. Brian Taniguchi

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Thank you and aloha.

Teri Skillman-Kashyap

[REDACTED]  
HONOLULU, HI 96819

[REDACTED]

Sen. Dwight Takamine

**LATE**

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Daphne Gray

  
Kamuela, HI 96743

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Thank you and aloha.

Michael Gibson

  
Honoka'a, HI 96727

Sen. Sam Slom

**LATE**

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Thank you and aloha.

Corey Ann Lewin

  
West Hollywood, CA 90069

Sen. Sam Slom

**LATE**

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 Cha Smith

  
Honolulu, HI 96816



Sen. Dwight Takamine

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Thank you and aloha.

Deirdre Moana Tavares

  
Hilo, HI 96720

989-1801

Sen. Dwight Takamine

**LATE**

Aloha!

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Mahalo!

Jeff Sacher

[REDACTED]

Kamuela, HI 96743

Sen. Sam Slom

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Thank you and aloha.

Virginia Walden

  
Honolulu, HI 96816-4805

Sen. Sam Slom

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Thank you and aloha.

Laura Gusetelu

  
Honolulu, HI 96816-4938

Sen. Dwight Takamine

**LATE**

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Mahalo!

Director Kaiiana Haili

[REDACTED]  
[REDACTED]  
Hilo, HI 96720

Sen. Josh Green

**LATE**



Please support SCR 227 and SR 118.

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 Michael Kramer  
  
Keauhou, HI 96739

Sen. Sam Slom

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Virginia Walden

~~121-1111-1111~~

Honolulu, HI 96816-4805

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Thank you and aloha.

[REDACTED] Ho'oululahui Erika Perry

[REDACTED]  
Hilo, HI 96720-1842

[REDACTED]



Sen. Josh Green

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Thank you and aloha.

Renee Raynor

  
Kailua-Kona, HI 96740

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Mauna Kea is our public land. While we continue to work towards its protection as a conservation district and halt unnecessary destruction of the sacred landscape, we also know that state law requires fair market rent be collected for all use of our public trust land. Instead, for 40 years, the state has failed this duty, essentially giving unique and sacred summit lands away for free to some of the wealthiest nations, companies and institutions on the planet. In the midst of our state fiscal crisis, this is outrageous.

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The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Susan L. Gierman

[REDACTED]

Kealahou, HI 96750

Sen. Josh Green

**LATE**

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Anne Provax

  
Honaunau, HI 96726

Sen. Russell Kokubun

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Sylvia Dolena

  
Pahoa, HI 96778-0986

Sen. Dwight Takamine

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

aloha Mauna Kea maxine kahaulelio

  
kamuela, HI 96743-6185

Sen. Sam Slom

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

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Thank you and aloha.

Ms B.A. McClintock

[REDACTED]  
Honolulu, HI 96825

Rep. Cindy Evans

**LATE**

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Katie Minkus

  
Kamuela, HI 96743

Sen. Josh Green

**LATE**

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Thank you and aloha.

Gwen Ilaban

  
Kailua-Kona, HI 96740



Sen. Josh Green

**LATE**

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Scotlee mcdougall

  
Kamuela, HI 96743

Sen. Russell Kokubun

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Thank you and aloha.

Kristine Kubat

, HI 96749

Sen. Josh Green

**LATE**

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John Provax

  
Honaunau, HI 96726-0553

Rep. Cindy Evans

**LATE**

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Anne Warren

  
Kamuela, HI 96743-0477

Sen. Russell Kokubun

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Thank you and aloha.

M. Malia Naeole-Takasato

  
Hilo, HI 96721

Rep. Cindy Evans

**LATE**

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Mahina Patterson

  
Kamuela, HI 96743

Sen. Josh Green

**LATE**

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doug fox

  
honaunau, HI 96726



Sen. Russell Kokubun

**LATE**

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Kimberly Dark

  
Pahoa, HI 96778

Sen. Josh Green

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms Rowena Vaca

  
Kailua Kona, HI 96740

Rep. Jerry Chang

**LATE**

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Randal McEndree

  
Hilo, HI 96720

Rep. Jerry Chang

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

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Thank you and aloha.

Kim Morishige

██████████ St

Honolulu, HI 96815

Rep. Jerry Chang

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Director Kaiiana Haili

  
  
Hilo, HI 96720

Rep. Faye Hanohano

**LATE**


Mahalo for supporting Senate Resolution ## and House Resolution ## to ensure that Hawaii's people are compensated for the use of the Mauna Kea.

Currently, some of the wealthiest foreign corporations and nations pay only \$1-a-year for their telescopes on the summit of Mauna Kea. This not only violates HRS 171, but has helped to bankrupt the people of Hawaii.

By conservative efforts, \$50 million a year has been lost in revenue from the use of the Mauna Kea. Despite repeated attempts to bring this inappropriate arrange to her attention, Governor Lingle chose to do nothing to collect proper rent. \$50 million lost every year for the last 10 years is also as much as the state's current budget shortfall.

Mahlao for your leadership is in bringing this harmful sweetheart deal to an end.

Michele Kau'i Henderson

  
pahoa, HI 96778

Rep. Faye Hanohano

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Dave Kisor



Kaneohe, HI 96744

Sen. Russell Kokubun

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Mahalo!

Bobbie Alicen

[REDACTED]

Kea'au, HI 96749



Sen. Russell Kokubun

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

By law, rent collected by the state on Mauna Kea goes to support critical public services--like education, health care and environmental protection. How much can a school buy for \$1/year? Not much. The people of Hawai'i deserve better--and today we're asking for an accounting of what is fairly owed.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

President/CEO David Bishaw

[REDACTED]  
[REDACTED]

Hilo, HI 96721

Rep. Cindy Evans

**LATE**

Please support SCR 227 and SR 118.


The time has come to collect our due. Hawai'i is in its worst financial crisis ever: schools closed, state workers furloughed, basic public needs not met. Yet. The State continues to rent out Mauna Kea's conservation district as an industrial telescope park for the bargain price of \$1.00 a year.

Mauna Kea is our public land. While we continue to work towards its protection as a conservation district and halt unnecessary destruction of the sacred landscape, we also know that state law requires fair market rent be collected for all use of our public trust land. Instead, for 40 years, the state has failed this duty, essentially giving unique and sacred summit lands away for free to some of the wealthiest nations, companies and institutions on the planet. In the midst of our state fiscal crisis, this is outrageous.

You know: nothing is ever free. This sweetheart \$1-a-year deal is subsidized by you and by me--all of the people of Hawaii. This is lost revenue for critical public programs like education, health care, and environmental protection. By some estimates, we have been subsidizing the industrial telescope park on Mauna Kea to the tune of \$50 million every year for the last 40 years. If rent had been paid over the just last ten years--the state would have collected \$500 million dollars--which is almost one-half of the current state budget shortfall. We could be funding critical services and reducing the need to increase taxes. Rent is required by law and is due now!

The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Daphne Gray

  
Kamuela, HI 96743

Sen. Josh Green

**LATE**

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Thank you and aloha.

Alan Gormezano

  
Kealahou, HI 96750

Rep. Faye Hanohano

**LATE**

Mahalo for supporting Senate Resolution ## and House Resolution ## to ensure that Hawaii's people are compensated for the use of the Mauna Kea.

Currently, some of the wealthiest foreign corporations and nations pay only \$1-a-year for their telescopes on the summit of Mauna Kea. This not only violates HRS 171, but has helped to bankrupt the people of Hawaii.

By conservative efforts, \$50 million a year has been lost in revenue from the use of the Mauna Kea. Despite repeated attempts to bring this inappropriate arrange to her attention, Governor Lingle chose to do nothing to collect proper rent. \$50 million lost every year for the last 10 years is also as much as the state's current budget shortfall.

Mahlao for your leadership is in bringing this harmful sweetheart deal to an end.

Satya Anubhuti

  
Pahoa, HI 96778

Rep. Denny Coffman

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Ms Rowena Vaca

  
Kailua Kona, HI 96740

Rep. Denny Coffman

**LATE**

Please support SCR 227 and SR 118.


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The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Mr. Terry Tokuda

  
Holualoa, HI 96725

Sen. Russell Kokubun

**LATE**

Please support SCR 227 and SR 118.

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Michele Kau'i Henderson

  
pahoa, HI 96778

Sen. Russell Kokubun

**LATE**

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Ms. Odette Rickert

[REDACTED]  
[REDACTED]  
Hilo, HI 96720



Sen. Russell Kokubun

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Danny H.C. Li

[REDACTED]

Keaau, HI 96749-9518

Sen. Josh Green

**LATE**

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Thank you and aloha.

Alan Gormezano

  
Kealakekua, HI 96750

Rep. Denny Coffman

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Thank you and aloha.

Marjorie Erway

  
Kailua-Kona, HI 96745

Sen. Josh Green

**LATE**

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Thank you and aloha.

Malama Ke Kai Riki Pestana-Torres

[REDACTED]  
[REDACTED]  
[REDACTED] Baldwin Ave  
Paia, HI 96779

Sen. Willie Espero

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Leah Benz

  
Ewa, HI 96706/3438

Sen. Kalani English

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Klope Raymond

[REDACTED]

Kahului, HI 96732-1617

Sen. Josh Green

**LATE**

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Karen Anderson

[REDACTED] ad

Captain Cook, HI 96704-0042



Sen. Gary Hooser

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


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Mahalo!

arlene kon

  
kapa'a, HI 96746-2052

Sen. Shan Tsutsui

**LATE**

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Thank you and aloha.

benjamin guerrero

[REDACTED]

Kahului, HI 96732-1118

Sen. Josh Green

**LATE**

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Thank you and aloha.

David Letourneau

  
Kailua Kona, HI 96740

Sen. Shan Tsutsui

**LATE**

Aloha!

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Mahalo!

June Davis

  
Paia, HI 96779

Rep. Jerry Chang

**LATE**

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Mahalo!

Alex White

[REDACTED]

Hilo, HI 96720

Sen. Shan Tsutsui

**LATE**

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Mary Drayer

5 [REDACTED]

Wailuku, HI 96793-2656

Sen. Shan Tsutsui

**LATE**

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Thank you and aloha.

Maggie Costigan

  
Paia, HI 96779

Rep. Denny Coffman

**LATE**

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By law, rent collected by the state on Mauna Kea goes to support critical public services--like education, health care and environmental protection. How much can a school buy for \$1/year? Not much. The people of Hawai'i deserve better--and today we're asking for an accounting of what is fairly owed.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

David Letourneau

  
Kailua Kona, HI 96740



Sen. Shan Tsutsui

**LATE**

Aloha

Finally, others are coming forward to speak their mind on the great injustice that has been going on for years. Our state lands are being rented out for \$1.00 a year is unheard of for those wealthiest corporations, foreign nations and institutions in the world enjoying our Mauna Kea's & Haleakala's telescopes. Why is this going on and no one is giving it a second thought?

Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

The only ones I would allow a rent of \$1.00 a year would be to the Native Hawaiian people who's land we are using in the first place. Hawaiian Homes for the homesteaders--people who are not the wealthiest and continues to suffer due to the false overthrow. Funds are needed to support higher education, health concerns, housing needs and jobs too.

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Alyson Barrows,  
[REDACTED]  
Wailuku, HI 96793

Rep. Mark Nakashima

**LATE**

Please support SCR 227 and SR 118.


The time has come to collect our due. Hawai'i is in its worst financial crisis ever: schools closed, state workers furloughed, basic public needs not met. Yet. The State continues to rent out Mauna Kea's conservation district as an industrial telescope park for the bargain price of \$1.00 a year.

Mauna Kea is our public land. While we continue to work towards its protection as a conservation district and halt unnecessary destruction of the sacred landscape, we also know that state law requires fair market rent be collected for all use of our public trust land. Instead, for 40 years, the state has failed this duty, essentially giving unique and sacred summit lands away for free to some of the wealthiest nations, companies and institutions on the planet. In the midst of our state fiscal crisis, this is outrageous.

You know: nothing is ever free. This sweetheart \$1-a-year deal is subsidized by you and by me--all of the people of Hawaii. This is lost revenue for critical public programs like education, health care, and environmental protection. By some estimates, we have been subsidizing the industrial telescope park on Mauna Kea to the tune of \$50 million every year for the last 40 years. If rent had been paid over the just last ten years--the state would have collected \$500 million dollars--which is almost one-half of the current state budget shortfall. We could be funding critical services and reducing the need to increase taxes. Rent is required by law and is due now!

The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

Ray Broggini

  
Paauilo, HI 96776

Rep. Mark Nakashima

**LATE**

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Thank you and aloha.

Judy vuono

  
Kamuela, HI 96743

Rep. Mark Nakashima

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?

Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Sanoë Kauhane  
[REDACTED]

Mt. View, HI 96771

Sen. Kalani English

**LATE**

Aloha!

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Mahalo!

Laura Giubardo

  
Haiku, HI 96708

Sen. Kalani English

**LATE**

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Bonnie Marsh

**[REDACTED]**

Haiku, HI 96708-5004

Sen. Kalani English

**LATE**

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paul signore

  
kula, HI 96790

Sen. Kalani English

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Lucrezia Oddie

  
Haiku, HI 96708



Rep. Mark Nakashima

**LATE**

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

barton susan

  
O'okala, HI 96774

Rep. Mark Nakashima

**LATE**

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Thank you and aloha.

Michael Gibson

  
Honoka'a, HI 96727

Sen. Suzanne Chun Oakland

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Publisher Toni Auld Yardley

  
Honolulu, HI 96817

Sen. Suzanne Chun Oakland

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Thank you and aloha.

Heidi Ho

  
Honolulu, HI 96817

Sen. Gary Hooser

**LATE**

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Thank you and aloha.

Kelly Sato



Kilauea, HI 96754

Sen. Suzanne Chun Oakland

**LATE**

Aloha!

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Brenda Kwon

  
Honolulu, HI 96817

Sen. Kalani English

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Steve LaFleur

[REDACTED]  
[REDACTED]  
Kihei, HI 96753

Sen. Suzanne Chun Oakland

**LATE**

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Mahalo!

kehaulani kea

  
honolulu, HI 96817



Sen. Kalani English

**LATE**

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Mahalo!

Faye Wallace

[REDACTED]

Kaunakakai, HI 96748

Sen. Suzanne Chun Oakland

**LATE**

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Mr. Fernando De Hoyos

  
Honolulu, HI 96813

Sen. Carol Fukunaga

**LATE**

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Inamatahena Suzanna Ohoiner

  
Honolulu, HI 96826

(909) 292-5120

Sen. Gary Hooser

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Bryna Storch

[REDACTED]

Kapaa, HI 96746

Sen. Carol Fukunaga

**LATE**

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Mahalo!

Jon Schmitz

1

Honolulu, HI 96822

Sen. Gary Hooser

**LATE**

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Thank you and aloha.

David Makana MARTIN

  
Kapaa, HI 96746

Sen. Carol Fukunaga

**LATE**

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The time has come to collect our due. Hawai'i is in its worst financial crisis ever: schools closed, state workers furloughed, basic public needs not met. Yet. The State continues to rent out Mauna Kea's conservation district as an industrial telescope park for the bargain price of \$1.00 a year.

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You know: nothing is ever free. This sweetheart \$1-a-year deal is subsidized by you and by me--all of the people of Hawaii. This is lost revenue for critical public programs like education, health care, and environmental protection. By some estimates, we have been subsidizing the industrial telescope park on Mauna Kea to the tune of \$50 million every year for the last 40 years. If rent had been paid over the just last ten years--the state would have collected \$500 million dollars--which is almost one-half of the current state budget shortfall. We could be funding critical services and reducing the need to increase taxes. Rent is required by law and is due now!

The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

[REDACTED] Baron Ching

[REDACTED]

[REDACTED]

Honolulu, HI 96822-3870

Sen. Carol Fukunaga

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

By law, rent collected by the state on Mauna Kea goes to support critical public services--like education, health care and environmental protection. How much can a school buy for \$1/year? Not much. The people of Hawai'i deserve better--and today we're asking for an accounting of what is fairly owed.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Jack Bennett

  
Honolulu, HI 96822



Sen. Gary Hooser

**LATE**

Please support SCR 227 and SR 118.


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Kaiopua Fyfe

  
Lihue, HI 96766-1478

Sen. Kalani English

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.


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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

pauahi hookano

  
ewa beach, HI 96706

Sen. Carol Fukunaga

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Brennan Takayama

  
Hilo, HI 96720

Sen. Gary Hooser

**LATE**

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Thank you and aloha.

Marylin Kelley

  
, HI 96765

Sen. Carol Fukunaga

**LATE**

Please support SCR 227 and SR 118.

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Garid Faria

[REDACTED]

Honolulu, HI 96826

979-4999

Sen. Carol Fukunaga

**LATE**

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

IT IS VERY DISTRESSING THAT OUR REPRESENTATIVES PUT THE LEGACY LAND FUNDING ON HOLD BECAUSE OF BUDGET SHORTFALLS, YET WE ARE NOT COLLECTING REVENUE FOR USE OF MAUNA KEA BY MULT-BILLION DOLLAR TELESCOPE PROJECTS THAT ARE HIGHLY CONTROVERSIAL ON THE ISLAND.

Thank you and aloha.

Ms. Mary Spadaro

[REDACTED]  
Honolulu, HI 96822

Sen. Gary Hooser

**LATE**

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Ken Posney

  
Koloa, HI 96756

Sen. Carol Fukunaga

**LATE**

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Thank you and aloha.

Mr. Fernando De Hoyos

  
Honolulu, HI 96813



Sen. Gary Hooser

**LATE**

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Tommy Cook

[REDACTED]  
Koloa, HI 96756

Sen. Carol Fukunaga

**LATE**

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You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

Carmen alohastevens@yahoo.com



Honolulu, HI 96816

808-557-0721

Sen. Gary Hooser

**LATE**

Please support SCR 227 and SR 118.

Mauna Kea is our public land.


For 40 years, the state has failed in its promises to malama this sacred place, Instead, UH has been keeping all proceeds for other purposes than right stewardship of Mauna Kea.

This is outrageous.

Rent is required by law and is due now!

Please do what is right and pass this resolution now, to make things pono with Mauna Kea.

FITHIAN JONES

  
Kapaa, HI 96746

Sen. Carol Fukunaga

**LATE**

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Thank you and aloha.

Garid Faria

[REDACTED]  
[REDACTED]

Honolulu, HI 96826

[REDACTED]

Sen. Robert Bunda

**LATE**

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Thank you and aloha.

Joy Silver

  
, HI 96712

Sen. Josh Green

**LATE**

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Thank you and aloha.

Marjorie Erway

  
Kailua-Kona, HI 96745

Sen. Gary Hooser

**LATE**

Aloha!

I am very concerned about the extreme financial crisis Hawaii is facing. I would like for Hawaii's students to be educated, our state and county workers properly paid, and our basic needs met. But how will we ever do that, if the state continues to give away our land for far less than it is worth?


Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Harvest Edmonds

  
Papa'aloa, HI 96780

Sen. Robert Bunda

**LATE**

Aloha!

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Mahalo!

Ms. Pi'ilani Akina  
Student

[REDACTED]  
Wahiawa, HI 96786  
[REDACTED]



Sen. Les Ihara

**LATE**

Please support SCR 227 and SR 118.


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Melissa KOLONIE

  
honolulu, HI 96816

Sen. Gary Hooser

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

L. Brent Cook

[REDACTED]

[REDACTED]

Kilauea, HI 96754

Sen. Les Ihara

**LATE**

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A. Ku`ulei Snyder

  
Honolulu, HI 96816

Sen. Gary Hooser

**LATE**

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Mahalo!

Ron Dixon

  
Princeville, HI 96722

Rep. Mark Nakashima

**LATE**

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Thank you and aloha.

██████████ Nig Norman Liborio

██████████  
Papaikou, HI 96781

Sen. Les Ihara

**LATE**

Aloha!

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Right now, some of the wealthiest corporations, foreign nations and institutions in the world are enjoying their telescopes on the summit of Mauna Kea for \$1.00 a year! This is not only offensive, it is illegal. Hawaii Revised Statute sec. 171 requires that fair market lease rent be collected for all use of public trust land, for the needs of all the people of Hawai'i nei. Mauna Kea is public land. In the face of the state's current fiscal crisis, why are we not demanding the fair market rent due?

Please stop this illegal and offensive misuse of our public lands. Charge the foreign nations and corporations rent. You can start by demonstrating your support for Senate Concurrent Resolution 227 and Senate Resolution 118, which directs the State Auditor to assess the fair market value of the use of Mauna Kea.

I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

James Long

  
Honolulu, HI 96750

Sen. Les Ihara

**LATE**

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Diane Lobre

[REDACTED]  
Honolulu, HI 96816

Sen. Gary Hooser

**LATE**

Please support SCR 227 and SR 118.

The time has come to collect our due. Hawai'i is in its worst financial crisis ever: schools closed, state workers furloughed, basic public needs not met. Yet. The State continues to rent out Mauna Kea's conservation district as an industrial telescope park for the bargain price of \$1.00 a year.

Mauna Kea is our public land. While we continue to work towards its protection as a conservation district and halt unnecessary destruction of the sacred landscape, we also know that state law requires fair market rent be collected for all use of our public trust land. Instead, for 40 years, the state has failed this duty, essentially giving unique and sacred summit lands away for free to some of the wealthiest nations, companies and institutions on the planet. In the midst of our state fiscal crisis, this is outrageous.

You know: nothing is ever free. This sweetheart \$1-a-year deal is subsidized by you and by me--all of the people of Hawaii. This is lost revenue for critical public programs like education, health care, and environmental protection. By some estimates, we have been subsidizing the industrial telescope park on Mauna Kea to the tune of \$50 million every year for the last 40 years. If rent had been paid over the just last ten years--the state would have collected \$500 million dollars--which is almost one-half of the current state budget shortfall. We could be funding critical services and reducing the need to increase taxes. Rent is required by law and is due now!

The time has come to stop selling ourselves short. A resolution before the Hawaii Legislature calls on the State Auditor to assess the fair market value of Mauna Kea for the purposes of collecting rent due.

I don't know about all the numbers, but some compensation should be appropriate going forward.

Thanks again for your service, Rick Burns

RICK Burns

  
HANALEI, HI 96714

530-272-8910



Sen. Les Ihara

**LATE**

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Jill Guillermo-Togawa

[REDACTED]  
[REDACTED]  
Honolulu, HI 96815  
[REDACTED]

Sen. Mike Gabbard

**LATE**

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Mahalo!

Mimi Forsyth

[REDACTED]  
[REDACTED]  
Waipahu, HI 96797  
[REDACTED]

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Brad Parsons

  
Princeville, HI 96722

Rep. Cindy Evans

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Anne Warren

  
Kamuela, HI 96743-0477

Rep. Faye Hanohano

**LATE**

Mahalo for supporting Senate Resolution ## and House Resolution ## to ensure that Hawaii's people are compensated for the use of the Mauna Kea.

Currently, some of the wealthiest foreign corporations and nations pay only \$1-a-year for their telescopes on the summit of Mauna Kea. This not only violates HRS 171, but has helped to bankrupt the people of Hawaii.

By conservative efforts, \$50 million a year has been lost in revenue from the use of the Mauna Kea. Despite repeated attempts to bring this inappropriate arrange to her attention, Governor Lingle chose to do nothing to collect proper rent. \$50 million lost every year for the last 10 years is also as much as the state's current budget shortfall.

Mahlao for your leadership is in bringing this harmful sweetheart deal to an end.

Ms. Janet Taylor



Hilo, HI 96721

Rep. Cindy Evans

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I would like you to please co-sponsor SR118 and SCR227.

Mahalo!

Jeff Sacher

  
Kamuela, HI 96743

Rep. Jerry Chang

**LATE**

I am writing to ask you to please support SR 118 and SCR 227, instead of raising taxes or cutting additional public services. I know that Hawaii's state budget has been crippled by the financial crisis, but the solution is not higher taxes or reduced services. It is in ending sweetheart deals that short-changed all the people of Hawaii.

Mauna Kea is one of those sweetheart deals. In 1968, the people of Hawai'i agreed to allow construction of one telescope atop Mauna Kea. Today, an industrial telescope park--with 50 structures, including telescopes, offices, roads and parking lots--has been developed, without proper public process, planning, or consent. Not surprisingly, the expanding footprint of the industrial telescope park in Mauna Kea's summit conservation district has been accelerated by a long-standing sweetheart lease deal--\$1/year--for some of the wealthiest countries, corporations and institutions on the planet.

By law, rent collected by the state on Mauna Kea goes to support critical public services--like education, health care and environmental protection. How much can a school buy for \$1/year? Not much. The people of Hawai'i deserve better--and today we're asking for an accounting of what is fairly owed.

You can be a hero for Hawaii's people by joining the effort to collect what is fairly owed for the use of Mauna Kea. Please support SCR 227 and SR 118.

Thank you and aloha.

[REDACTED] Ho'oululahui Erika Perry

[REDACTED] Street

Hilo, HI 96720-1842

(808) 933-0705

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[REDACTED]  
[REDACTED]

Hilo, HI 96721



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Thank you and aloha.

aloha Mauna Kea maxine kahaulelio

A blacked-out redaction covering the signature of Maxine Kahaulelio.

kamuela, HI 96743-6185

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normand dufresne

  
pahoa, HI 96778

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Thank you and aloha.

Deirdre Moana Tavares

  
Hilo, HI 96720

989-1801