



DEPT. COMM. NO. 360

HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL, ROOM 431
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

January 25, 2022

MEMORANDUM

TO: All House Members

FROM: Speaker Scott K. Saiki 

SUBJECT: **Mauna Kea Working Group Report to the Legislature**

This memorandum is to notify you that the House of Representatives received the Mauna Kea Working Group Report to the Legislature on January 25, 2022, pursuant to House Resolution 33, House Draft 1, Regular Session of 2021.

If you have any questions, please contact my office at (808) 586-6100.

Attachment

cc: Brian Takeshita, House Chief Clerk
Rod Tanonaka, House Sergeant-at-Arms
Casey Hines, HMSO Director



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
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SPEAKER'S OFFICE

January 25, 2022

MEMORANDUM

TO: Scott K. Saiki, Speaker
Hawai'i State House of Representatives

FROM: Mark M. Nakashima, Chair 
Mauna Kea Working Group

RE: **Mauna Kea Working Group Report**
House Resolution 33, Session Laws of Hawaii 2021

On behalf of the members of the Mauna Kea Working Group, I am pleased to present you with our final report. This report reflects the six months of work by the 15-member Working Group.


Developing a management structure to steer the future of Mauna Kea was a daunting task. The future of Mauna Kea and how it will be managed is an emotional, controversial issue. One thing that all 15 members of the working group agreed to is that we care deeply for the Mauna.

Please join me in thanking the working group members for their commitment to the mission. They all participated diligently in the meetings, sharing information with each other, learning with each other, and creating a path forward for consideration by the Legislature. I appreciated their open mindedness and willingness to compromise, when needed.

After the draft report was posted for public comment, we received more than 200 emails. Comments ranged from support of astronomy and continued management of Mauna Kea by the University to support for the proposed management structure. We appreciated that people took the time to review our draft report and share their perspective.

We look forward to the further deliberations during the 2022 legislative session.

We thank you for this opportunity to envision a new future for the management and governance of Mauna Kea.



HE LĀ HOU KĒIA MA MAUNA A WĀKEA: A NEW DAY ON MAUNA A WĀKEA

MAUNA KEA WORKING GROUP

A Report to the Legislature of the State of Hawai'i

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EXECUTIVE SUMMARY

This report provides the recommendations of the Mauna Kea Working Group (Working Group), which was established by the adoption of House Resolution No. 33, H.D. 1, Regular Session of 2021, for a new governance and management structure for Mauna a Wākea.

Significant Management Structure Recommendations

- Although the University of Hawai'i has been responsible for the management of Mauna a Wākea since 1968, a new governing entity shall be established and made the sole management authority for state-managed lands on Mauna a Wākea above the 6,500 foot elevation line.
- The governing entity, guided by Native Hawaiian values, shall be headed by a nine-member board comprised of government representatives, individuals with certain areas of expertise, and Native Hawaiian community members. While the astronomy community is not directly represented on the board, an astronomy advisory group shall be established to provide advice and guidance to the board.
- The governing entity shall be responsible for, among other things, developing a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition related to Mauna a Wākea, with consideration of the State's energy and sustainability goals and impacts of climate change.
- To ensure the protection and stewardship of Mauna a Wākea, the governing entity shall develop a framework to limit astronomy development on Mauna a Wākea, including a plan to return the mauna above 9,200 feet elevation to its natural state.

Significant Management Policy Recommendations

- Commercial use and activities above Hale Pōhaku shall be prohibited, with certain areas designated for permissible commercial use.
- An application, including a fee, shall be required for all recreational users of Mauna a Wākea.
- Orientation and cultural training shall be required for all people accessing Mauna a Wākea.
- An appropriate entryway to Mauna a Wākea shall be established to capture information about users, establish an education outreach post, collect fees, and close access to Mauna a Wākea in case of an emergency.
- All observatories on Mauna a Wākea shall plan for and finance their decommissioning process as a condition for any lease on Mauna a Wākea.

PROLOGUE

‘O Kupulanakehau wahine
I noho ia kahiko o Kahiko-luamea
Hānau o Paupaniākea
‘O Wākea no ia

Kupulanakehau is the female
Coexisted with the male, Kahikoluamea
Created was Paupaniākea
It is Wākea, indeed!

This is an excerpt from the Kumulipo chant, Ka Wā ‘Umikūmāhā, Chapter 14, Lines 1844-1847. This paukū describes the nascency of Wākea. The initial entity of origin for Wākea is the female parent, Kupulanakehau, followed by recognition of the male, Kahikoluamea. The first born is Paupaniākea, a nomenclature for Wākea. They are one and the same.

‘O hānau ka mauna a Wākea
‘Opu‘u a‘e ka mauna a Wākea
‘O Wākea ke kane, ‘O Papa, o walinu‘u ka wahine
Hānau Ho‘ohōkū he wahine
Hānau Hāloa he ali‘i
Hānau ka mauna
He keiki mauna a Wākea

PROLOGUE

The mountain of Wākea is born

Wākea's mountain pushes up and out

Wākea is the male, the supple, powerful female entity is Papa

Ho‘ohōkū is generated, a female

Hāloa is generated, a chief

The mountain is born

It is the spatial mountain progeny of Wākea¹

This chant is a portion of He Mele No Kauikeaouli, a chant in honor of Kamehameha III. It honors and acknowledges the wahipana o Mauna a Wākea as the eldest offspring, born of Wākea and Papawalinu‘u, male and female energies from which all life springs.

The authors of this report have chosen to utilize the nomenclature, Mauna a Wākea interchangeably with Mauna Kea or Maunakea to honor the significance of this mauna to the environment, island, and people.

Mauna a Wākea stands 13,803 feet above sea level near the center of Hawai‘i Island, more than 2,300 miles away from any other large land mass in the Pacific Ocean. Measured from base to peak at more than 33,500 feet, Mauna a Wākea is the tallest mountain on earth. Its physical stature as well as the neighboring Mauna Loa, which is 13,679 feet above sea level, dominate the landscape of the Island of Hawai‘i and create the myriad of climates which contribute to the island communities experiencing eleven of the world's thirteen different climate zones. Significantly, Mauna a Wākea and Mauna Loa's immense height affect the meteorology and hydrology of Hawai‘i Island, uplifting clouds pushed against the mountains by prevailing northeast tradewinds, inducing rainwater to percolate through layers of volcanic rock causing more than a billion gallons of fresh water to discharge from deep artesian aquifers into the ocean every day. (Thomas, 2008)

¹ Wise, J. (1912, January 31). HE MOOLELO NO KA Hookumuia Ana o na Paemoku o Hawaii Nei AME KA HOOLAUKANAKA ANA I HOIKEIA MA NA MELE HAWAII KAHIKO. Ke Au Hou, Volume III, Number 4.

PROLOGUE

Interest in establishing astronomical facilities on the summit area of Mauna a Wākea began in the 1960's. In 1968, the Board of Land and Natural Resources provided a 65-year lease to the University of Hawai'i. In 1970, the University of Hawai'i built the first UH 88-inch telescope. By the end of the decade, five more telescopes were built, including the United Kingdom Infra-Red Telescope, the Canada-France-Hawai'i Telescope, the NASA Infrared Telescope Facility and two smaller instruments. By 1999, fourteen telescopes were built on the summit area, including the Caltech Submillimeter Observatory, James Clerk Maxwell Telescope, Keck I, Very Long Baseline Array, Keck II, Subaru, Gemini Northern Telescope, and the Smithsonian Submillimeter Array. (Ciotti, 2011)

In 1998, following complaints filed by the Sierra Club and community members, the State of Hawai'i Legislative Auditor's office conducted an audit and issued a scathing report of the mismanagement of the Board of Land and Natural Resources and the University of Hawai'i citing little had been done to protect natural resources of the mauna and lack of follow through on recommended actions. Subsequent reports, which still identified shortcomings, were filed by the State Legislative Auditor's office in 2005, 2014, 2017, and 2019.

Further, the Board of Land and Natural Resources granted a Conservation District Use Plan (CDUP) to the Thirty-Meter Telescope Project to develop a site near the summit area of Mauna a Wākea, which created a groundswell of opposition from communities across the State of Hawai'i. After exhausting legal challenges opposition to the project resulted in a stand-off with hundreds of kia'i, or protectors, halting construction on the proposed project site in 2015. In 2019, a second attempt by the project to begin construction was met with even more opposition which resulted in thirty-eight kupuna being arrested in a peaceful protect and a backlash from across the islands and supporters outside of Hawai'i.

The December 2020 Ku'iwalu report provides the Department of Land and Natural Resources (DLNR) an independent evaluation of the University of Hawai'i's (UH), specifically the Office of Mauna Kea Management's (OMKM), implementation of the CMP management actions contained in Section 7 of the CMP and the public input on how effective UH is managing Mauna a Wākea. This comprehensive report concluded that while OMKM has made progress in implementing most of the CMPs and CMP Managed Areas, three areas of CMP were not being effectively implemented including: timely adoption of administrative rules to ensure protection of Mauna a Wākea and its resources; lack of consultation of key stakeholders on matters relating to cultural resources issues; and that OMKM did not engage with the community, particularly the Native Hawaiian community on education and outreach.

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Currently, in 2021 the Board of Land and Natural Resources Chair has granted the controversial Thirty-Meter Telescope a permit to begin construction. The project remains on hold, however, as they seek additional funding from the U.S. National Science Foundation. (Astro 2020 Decadal Survey, 2021)

In consideration of these findings, the Working Group offers this report. It is with a renewed sense of hope that a new Entity can be established, and that the Entity, in collaboration with key partners, will be better equipped to care for Mauna a Wākea with consistent and earnest application of the Kumu Kānāwai in all of its activities.

Kumu Kānāwai: The Native Hawaiian Concept of Environmental Kinship²

The setting of a kahua for this report and for the establishment of a new entity to properly manage Mauna a Wākea, rooted in Hawaiian understanding is paramount. Toward this end, the following is an offering to establish a firm foundation.

Native Hawai‘i cosmovision, corpus of knowledge, and praxis emerges from a worldview that includes natural phenomena as a part of the socioecological world of relationships in which all are intimately connected.

This worldview is evidenced in the Kumulipo, the preeminent Hawaiian genealogy composed for Lonoikamakahiki circa 1700. This genealogy chronicles the genesis of the Hawaiian universe to the creation of our islands to the appearance of the simplest life forms and to the evolution to man. The Kumulipo ends with the birth of Lonoikamakahiki, thus cementing man's relationship to every single life form in these islands and conveying the idea that all life is equal, the life of a human is equal to the life of the ‘ōhi‘a lehua of the forest and the coral of the ocean - all organisms are related and all contribute to the health of our ‘āina (land) and ourselves. The Kumulipo not only relates man's relationship to flora and fauna, but also to the ‘āina that nurtures us.

Traditionally, four kānāwai (laws of nature) govern our relationship to our ‘āina, ensuring the health of the ‘āina so that it will continue to nurture all life forms:

Ho‘okikī Kānāwai - the edict of continuum; the cycles that balance and regulate our environment, inclusive of the hydrologic cycle, carbon cycle, nitrogen cycle, and rock

² Kealiikanakaoleohaili, Kekuhi. 2016. Kīho‘iho‘i Kānāwai: Restoring Kānāwai for Island Stewardship. Unpublished manuscript.

Kanahele, Pualani. 2021. Kumu Kānāwai. Unpublished manuscript.

PROLOGUE

cycle. It is imperative that these cycles are maintained for any disturbance throws the environment out of balance and wreaks havoc on livelihoods and communities.

Kua‘ā Kānāwai - the edict of emergency; the cycles of our environment, replete with natural phenomena and elemental activity, provide warnings that forecast an impending disaster, such as earthquakes that may trigger an eruption or tsunami, the receding ocean that exposes the sea floor, distant thunder and rising water levels in rivers portending flash flooding, high surf that results in strong currents and dangerous shorebreaks, freezing temperatures and blizzard conditions. Elemental activity, and their potential hazards, should dictate our actions and our responses. Ignoring these hazards may lead to injury and death.

Kai‘okia Kānāwai - the edict of boundaries; natural boundaries and pathways are delineated by lava flows, rivers, valleys, ocean, shoreline, land, sky and forest, kū and hina or vertical and horizontal divisions of air, ocean and earth. Traditionally, land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.

Kīho‘iho‘i Kānāwai - the edict of regeneration; when natural disaster or human activity changes the landscape, the land needs time to regenerate and reestablish its natural cycles. In the case of natural disasters, ecosystems can respond to restore balance in short order. Our ancestors understood this and recorded these phenomena in the Kumulipo, ‘o ke akua ke komo, ‘a‘oe komo kanaka. In the case of human disturbances, however, the capacity of natural systems to adjust depends on the nature of the system, the scope, scale, and duration of the activity, as well as the nature of its byproducts. Ecosystems with severe human disturbance often take longer to regain its balance, necessitating sustainable human intervention.

Normalizing the use of these traditional kānāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the ‘āina.

INTRODUCTION



Photography Credit: Ku'ulei Kanahele, Ph.D.

The kānāwai that were first introduced in the Prologue will be used as a framework for this report. Chapter 1 begins the cycle with Ho'okikī Kānāwai, the edict of continuum. Ho'okikī kānāwai is an articulation of the cycles that balance and regulate our environment. The continuance of these cycles is the reason that there is life in these islands. Of import, Mauna a Wākea generates life-giving water resources for all inhabitants of Hawai'i Island to benefit from and to appreciate. The organization of this report is described through the four kānāwai to set the organizational cornerstones for which the new entity may be firmly established and in recognition that Native Hawaiian worldview is a central cord that ties and affirms the continuance of mutual responsibility of kanaka to its 'āina.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required;

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this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kāmilohae and Kūha‘imoana - the edict of passage; ability for underground water and magma to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for the health of the island as fresh cool waters deter hurricanes from decimating islands.

SCOPE OF THE REPORT

This report was prepared as a result of the adoption of House Resolution No. 33, H.D. 1, (Regular Session of 2021), which convened a Mauna Kea Working Group (Working Group) to develop recommendations for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community. The findings and recommendations in this report were made by consensus by the members of the Working Group, unless noted otherwise, regarding Mauna a Wākea and how it should be managed going forward. Furthermore, while this report does not include legislation that reflects the recommendations of the Working Group, it is the intent of the Working Group that legislation be introduced in the 2022 Regular Session to reflect the recommendations made in this report. Additionally, it is not the intent of this Working Group to limit Native Hawaiian rights or cultural access to Mauna a Wākea. It is the hope of the Working Group that the new plan for Mauna a Wākea, as outlined in this report, will allow for the proper management of this spiritual, cultural, and environmentally sensitive wahi pana.

ORGANIZATION OF THIS REPORT

The remaining chapters of this report are organized as follows:

Chapter 2 provides a comprehensive background of Mauna a Wākea, including a cultural history of Mauna a Wākea; the creation of the Mauna Kea Working Group; and an overview of the process and methodology of the Working Group in developing its recommendations.

Chapter 3 outlines the recommendations of the Working Group for a new governance and management structure for Mauna a Wākea, including the values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

INTRODUCTION

Chapter 4 concludes the report by reflecting on the importance of this work and the recommendations of the Working Group.

CHAPTER 2



Photography Credit: Ku'u'lei Kanahele, Ph.D.

CHAPTER 2



Pahu wai, attracting and storing water; photos showing both the pristine nature and inherent hazards of being in that elevation.
Photography Credit: Ku'ulei Kanahele, Ph.D.

Kua‘ā Kānāwai - the edict of emergency, is a proclamation that dictates one's behavior in respect to natural phenomena and significant cultural sites. The history and cultural significance of an object or place informs one of the proper protocols and behavior needed upon approach. Thus, the Mauna a Wākea Working Group prioritized the preparation for productive debate, contemplation and conversation to align towards a unified purpose and generational commitment to accountable environmental kinship systems by learning about the Kumu Kānāwai.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of hot, steamy lands and their relationship to the ecosystems.

Kānāwai Ulu La‘au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

CHAPTER 2

BACKGROUND

HISTORICAL AND CULTURAL SIGNIFICANCE OF MAUNA A WĀKEA

A subcommittee focused on Hawaiian culture content and context provides further explanation of Kumu Kānāwai as a foundational set of guidelines and a framework for fundamentally shifting from continental modeled behaviors and value systems towards Island Consciousness: to think and live like an island.

These kānāwai are intended to guide and inform how the entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall cumulative health and resilience of Mauna a Wākea. Conversely, the kānāwai should be applied to evaluate activities that may have adverse effects on the ecosystem. Furthermore, the kānāwai should be incorporated into policies, procedures and monitoring systems such as the review of lease renewals.

With comprehensive and consistent application of the kānāwai into the total governing and managing systems of Mauna a Wākea, the ‘āina and resident community will benefit from a strengthened reciprocal relationship. The following tenets are subprinciples to the main text and seek to describe the importance of Mauna a Wākea, which are deserving of the highest kapu. In addition, by reestablishing Kumu Kānāwai into the ethos of the Governing Entity, an increase in understanding and appreciation of Native Hawaiian history and cultural practices will be effectuated.

In summary, it is the intent of the Mauna a Wākea Working Group to adopt administrative rules enabling the Entity to ensure the protection of this vital ecosystem, in a timely manner and to actively encourage the participation of Native Hawaiians in this process.

NO KA HONUA, CONCERNING THE EARTH

Kānāwai Kuahiwi - the edict of the spine of the islands affects all areas that are designated kua or tops of the islands. This includes kuahiwi or high mountains that

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attract big clouds that gestate into rainfall. Kua provide the elemental activities that kanaka cannot reduplicate which are responsible for attracting all manner of mist, clouds, snow, water accented by names like Ka‘ohe. Other kuahiwi deter big winds and divide initial wind strength. Mokupuni or islands are made up of mauna or kuahiwi. Mokupuni are inseparable entities from the ocean floor to the crest of their summit.

Most kua summits exist at the ‘Āpapanu‘u spatial level or below the earth's atmosphere. The kua of Mauna Loa and Mauna a Wākea are in the ‘Āpapalani spatial level. ‘Āpapalani is the upper stratum of the earth's atmosphere; it is also a term used for chiefs of the highest order. It is where the gods dwell. Therefore, the mauna belongs to the atmosphere and not to the earth.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required; this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kupukupu - the edict of "little eyes" or ‘ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of germination; seasons for fledglings; season for calving as in whales. ‘Ōmaka is the beginning of regeneration.

Kānāwai Kūkeao - health of clouds; affected by pollution in atmosphere and privatization of water cycle - care must be given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

Kānāwai Ulu La‘au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of aquifers and their relationship to ocean health & reef ecosystems.

Kānāwai Pahukini - the edict of 4,000 chambers; concerning the care of aquifers, water tables, glaciers, snow caps, caves; recognition of all manner watersheds in all strata.

Kānāwai Kāmilohae and Kūha‘imoana - the edict of passage; ability for groundwater and underground water to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for health of island as fresh cool waters deter hurricanes from decimating islands.

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Elevated Hawaiian Practices for Mauna a Wākea are listed according to their importance as dictated by the Kānāwai and the mele oli Hānau Ka Mauna.

1. The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is "kapu"; therefore, prohibited for occupation. According to the mele oli the mauna has continued to grow until it was out of the earth's atmosphere, which gives it the privilege of "makahiapo keiki kapu". It also has the respect of the sun which rises each morning thus offering obeisance to the mauna. The sun is also a "keiki kapu". This is the highest kapu or prohibition owing Mauna a Wākea.
2. The gathering of water is the function of Mauna a Wākea. All water forms listed in the above kānāwai (s) are localized at different levels of the mauna. Water flows over land to Hāmākua, Hilo, and Puna and through the subterranean channels to fill the underground aquifers of the island. The pahuwai of Ka'ōhe fills the large ponds of Hilo and Puna with fresh water. The cold ocean of Hilo and Puna indicates freshwater seepage out to the ocean to refresh the reef system and the growth of limu.
3. The cloud system feeds the forest of Hāmākua, Hilo, and Puna; therefore, the water cycle between forest and atmosphere is healthy. Maintaining the continuous growth of forest trees is the reciprocity we can offer as kanaka for a continuous and healthy water cycle. Maintaining, encouraging and restoring the growth of large forests is our kuleana as kanaka for the health of this island.
4. Application of "ōhana" or environmental kinship includes genealogical connections to fire names or Pelehonuamea, the ocean or Kanaloa, the moon or Hina, the sun or Kāne, the mauna or Wākea and Papa, and the forest trees or Kū and Laka. We inherit names such as Likolehua, Mauna a Wākea, Moananui, Kalāho'ohie, Nāhuihui a Makali'i, Ahi'enaopuna, Noe, Mahina, etc. This provides the privilege of owning the element and studying its makeup, developing a personality and becoming a part of the environment and therefore the protest for the mauna displays the need to protect 'ohana.

HOUSE RESOLUTION 33

The Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, prepared for the Department of Land and Natural

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Resources by Ku‘iwalu and published in December 2020, concluded that while the University of Hawai‘i has effectively implemented many of the management actions related to protecting the natural and cultural resources on Mauna a Wākea, the management actions designed to respect the Hawaiian cultural practices and resources and conduct education and outreach that were intended to restore trust between the University of Hawai‘i and the Native Hawaiian community have not been effectively implemented. The report also found that the lack of genuine consultation with the Native Hawaiian community has resulted in greater mistrust of the University of Hawai‘i and management of Mauna a Wākea, leading to polarizing viewpoints between various stakeholders on Mauna a Wākea and local communities.

As a result, on March 4, 2021, the Hawai‘i House of Representatives adopted House Resolution No. 33, H.D. 1, (Regular Session of 2021), to reconcile this mismanagement, mistrust, and polarization by convening the Working Group to develop recommendations, building on the findings of the Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community (Appendix A). The fifteen-member Working Group was further tasked with submitting a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than December 31, 2021.

The Working Group consisted of the following membership:

1. One member to be appointed by the Speaker of the House of Representatives to serve as the Chairperson of the Working Group to facilitate the group to develop a consensus;
2. Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives;
3. Seven members who are Native Hawaiian to be nominated by Native Hawaiian groups, organizations, or communities and appointed by the Speaker of the House of Representatives;
4. One representative from the Office of Hawaiian Affairs;
5. One representative from the Board of Land and Natural Resources;
6. One representative from the University of Hawai‘i Board of Regents; and
7. One representative from the Mauna Kea Observatories.

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As noted by Speaker of the House of Representatives Scott K. Saiki, since the management of Mauna a Wākea has long been an area of contention between various stakeholders and communities and continues to be one of the top issues that the State needs to resolve, the composition of the initial Working Group included eleven members who are Native Hawaiian and eleven members who reside on Hawai'i Island. The members of the Working Group are:

- Representative Mark Nakashima, Chair, House of Representatives
- Representative Ty J.K. Cullen, House of Representatives
- Representative Stacelynn K.M. Eli, House of Representatives
- Representative David A. Tarnas, House of Representatives
- Ms. Jocelyn Leialoha M. Doane, Native Hawaiian Community Representative
- Dr. Lui Hokoana, Native Hawaiian Community Representative
- Dr. Bonnie Irwin, Chancellor, University of Hawai'i at Hilo
- Dr. Pualani Kanaka'ole Kanahele, Native Hawaiian Community Representative
- Mr. Joshua Lanakila Mangauil, Native Hawaiian Community Representative
- Mr. Robert K. Masuda, First Deputy, Board of Land and Natural Resources
- Mr. Rich Matsuda, Interim Chief of Operations, W.M. Keck Observatory
- Ms. Brialyn Onodera, Native Hawaiian Community Representative
- Mr. Shane Palacat-Nelsen, Native Hawaiian Community Representative
- Mr. Sterling Wong, Office of Hawaiian Affairs*
- Dr. Noe Noe Wong-Wilson, Native Hawaiian Community Representative
- Mr. Wayne Tanaka, Office of Hawaiian Affairs*
- Dr. Sylvia Hussey, Office of Hawaiian Affairs*

(*These individuals served partial-terms on the Working Group as the Office of Hawaiian Affairs representative and did not serve concurrently.)

PROCESS AND METHODOLOGY OF THE WORKING GROUP

Although the formation of the Working Group brought together a group of individuals with varying opinions and diverse experiences, the Group consisted of people who all shared a deep connection to and appreciation for Mauna a Wākea. The

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Working Group's goal was to submit a report to the Legislature by December 31, 2021, that included recommendations for a new governance and management structure for Mauna a Wākea. The Legislature would then hold public hearings on legislation based on these recommendations to create laws needed to enact an effective governance and management structure for Mauna a Wākea.

The Working Group convened via videoconference beginning on July 1, 2021, with meetings initially scheduled on the second and fourth Wednesdays of each month. However, beginning in September, meetings were scheduled weekly, including two in-person meetings at the University of Hawai'i at Hilo, at the 'Imiloa Astronomy Center and Ka Haka 'Ula o Ke'elikōlani, respectively. Ms. Mahina Paishon-Duarte and Mr. Sterling Wong were also invited to the meetings to provide assistance as facilitators to aid the Working Group in its discussions.³

During the initial meetings, members gained a comprehensive understanding of Mauna a Wākea from the Native Hawaiian perspective, including the sacredness of Mauna a Wākea and its connection to Native Hawaiians. As the discussions turned to what the members envisioned for the future of Mauna a Wākea and its management, setting a Native Hawaiian cultural foundation became a priority for the Working Group, with the development of additional action steps to devise its recommendation for a new governing entity.

To help reach their goals and better guide decision-making, the members of the Working Group established the following unifying purpose statement and guiding values and principles:

"We recognize that Native Hawaiians have an inseparable environmental kinship with 'āina. Therefore, the health and integrity of Maunakea is paramount. Our purpose is to establish a collaborative and holistic management framework for Maunakea that is grounded in Kānāwai and the laws of nature; prioritizes Native Hawaiian voices; contributes to environmental and social justice; and is sensitive to diverse perspectives."

To provide a better understanding of Mauna a Wākea and other working models for management and governance, the Working Group participated in several presentations on various topics, including cultural perspectives relating to Mauna a Wākea, the Kaho'olawe Island Reserve, water systems, role of astronomy and the

³ Mr. Wong volunteered to serve as a facilitator after leaving the Working Group. He was initially appointed as the representative from the Office of Hawaiian Affairs.

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University of Hawai'i on Mauna a Wākea, Papahānaumokuākea Marine National Monument, and Native Hawaiian concepts of environmental kinship. These presentations were informative and provided the members with opportunities to ask key questions. Additionally, the Working Group looked at several maps of Mauna a Wākea that highlighted specific features and data sets to assist with its decision-making process (see Appendix C).

A myriad of issues were discussed and considered by the Working Group at its meetings, including but not limited to water resources, stakeholders and right holders, ceded lands and public land trust lands, and the astronomical significance of Mauna a Wākea to name a few. However, due to the scope of the task of the Working Group and relatively limited timeframe, two subgroups were established – the Native Hawaiian Culture Subgroup and Astronomy Subgroup – to meet outside of regularly scheduled Working Group meetings to discuss issues related to their respective topics. The subgroups later shared their findings with the entire Working Group. Additionally, to assist with the decision-making and writing of this report, two writing groups were established – the Governance Writing Group and Access and Use Writing Group – that met outside of regularly scheduled Working Group meetings to develop ideas related to their respective topic to bring back to the Working Group for decision-making. Through robust discussions in the respective writing groups, key issues were prioritized for the discussion by the entire Working Group.

Decisions by the Working Group for its recommendations in this report were made by consensus. If consensus could not be reached, agreement could be made by a two-thirds majority of the members with indication of the minority voice in this report.

To ensure transparency and public input, updates on the Working Group's efforts were posted on the Working Group's website (see Appendix B) and members of the public were welcome to submit comments by email to maunakeawg@capitol.hawaii.gov. Additionally, the first draft of this report was posted online for public comment from December 17, 2021, to 4:30 p.m. on January 4, 2022 (see Appendix D).

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Kai'okia Kānāwai, the edict of boundaries, delineates the organizational structure and stewardship of land and society. The recommendations outlined in this chapter pertain largely to the management of human activity and to the drawing of new management boundaries that better enable an integrated and attuned whole systems approach to daily and seasonal management. In following Kai'okia Kānāwai, the entity will aspire to regularly review designated access and use areas and activities and will assess direct and cumulative impact to Mauna a Wākea.



A photo of Smithsonian Submillimeter Array at Poli'ahu, to show human access and use of the conservation district. Photography Credit: Ku'ulei Kanahale, Ph.D.

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A NEW GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA A WĀKEA

This chapter outlines the recommendations of the Working Group for the new governance and management structure (Governing Entity) for Mauna a Wākea. It is the intent of the Working Group that legislation will be introduced by the Legislature that establishes a Governing Entity with the following values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

VALUES AND GUIDING PRINCIPLES⁴

The Working Group recognized the importance that the Governing Entity for Mauna a Wākea be grounded in Native Hawaiian values and guiding principles, specifically the Kumu Kānāwai, or the Native Hawaiian concept of environmental kinship. This prioritization of environmental stewardship and cultural recognition ensures the necessary guidance for the Governing Entity in its decision-making and management processes and functions. Therefore, the Working Group recommends the following guiding operational values and principles for the Governing Entity:

Mauna Aloha: We understand the reciprocal value of the mauna and our long-term commitment to maintaining the integrity of Maunakea.

‘Ōpū Kupuna: We understand and embrace our duty and accountability to Maunakea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna.

Holomua ‘Oi Kelakela: We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards without jeopardizing our foundation of ‘āina aloha.

⁴ ‘Āina Aloha Economic Futures. (2020, May). ‘Āina Aloha Economic Futures Declaration. www.ainaalohafutures.com/declaration.

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JURISDICTION

Due to the many stakeholders and complexity of topography on Mauna a Wākea, the Working Group thoroughly discussed the management area for the Governing Entity (see Appendix C). The issue of ensuring that the management area was appropriately manageable by a single entity was discussed and taken into consideration by the Working Group, as an area too large would present resource and other logistical challenges. Also, the Working Group considered how the Governing Entity would work with other landowners on Mauna a Wākea so that there would be open communication about its management goals and policies. Therefore, the Working Group recommends the following jurisdiction and associated responsibilities for the Governing Entity:

The jurisdiction area for the Governing Entity shall be state-managed lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea, in order to care for Mauna a Wākea through an integrated, whole systems approach. Additionally, for lands outside of its jurisdiction, the Governing Entity shall enter into cooperative management agreements with the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area.

ORGANIZATIONAL STRUCTURE

To establish the organizational structure of the Governing Entity, the Working Group first identified and discussed key stakeholders, state constitutionally-recognized right holders, right holders with property interests, and Native Hawaiian cultural practitioners. Once these individuals and entities were recognized, the Working Group determined an organizational structure for the Governing Entity that best represented these individuals and entities. However, the Working Group could not reach consensus on whether to include an astronomy representative on the board. While some members of the Working Group recognized the contributions such a member could bring to the board, other members shared concerns about potential conflicts of interest and preferred that representatives from the astronomy community serve the Governing Entity in an advisory capacity. Consideration was also given to include representation on the board from the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area. However, it was

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determined that the Governing Entity should instead seek out cooperative agreements with those entities for cooperative and coordinated management of Mauna a Wākea. Still, while not all of the organizational details could be outlined by the Working Group, many of the major structural concepts were discussed and agreed upon. Therefore, the Working Group recommends the following organizational structure for the Governing Entity:

The Governing Entity shall be attached to the Office of the Chairperson of the Department of Land and Natural Resources for administrative purposes.⁵ Decision-making for the Governing Entity shall be made by a nine-member board, of which seven seats shall be appointed and two seats shall be held by ex-officio members, with the board selecting a Chair from among its non-ex-officio members; provided that the Chair shall not be the Executive Director of the Governing Entity. Additionally, of the nine members, four of the seven non-ex-officio board members shall be Native Hawaiian Hawai'i Island residents, with a preference for Native Hawaiian Hawai'i Island residents for all seven non-ex-officio board seats.

The nine-member board shall include the following:

- (1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee (ex-officio member);
- (2) The Chief Executive Officer of the Office of Hawaiian Affairs, or the Chief Executive Officer's designee (ex-officio member);⁶
- (3) An individual with 'āina resource management expertise and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (4) An individual with infrastructure and land management experience and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (5) An individual with educational expertise in P-12 public education; community, culture, and Hawaiian language medium-based education; or post-secondary education, nominated by the nominating committee;

⁵ Dr. Hussey abstained from this recommendation.

⁶ Dr. Hussey recused herself from voting on this recommendation.

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- (6) An individual with business and finance experience, nominated by the nominating committee;
- (7) A Native Hawaiian individual who is a lineal descendent of a practitioner of Native Hawaiian traditional and customary practices associated with Mauna a Wākea, nominated by the Office of Hawaiian Affairs, in coordination with the Edith Kanaka‘ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai‘i Community College;
- (8) A Native Hawaiian individual who is a recognized practitioner of Native Hawaiian traditional and customary practices associated with Mauna a Wākea, nominated by the Office of Hawaiian Affairs, in coordination with the Edith Kanaka‘ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai‘i Community College; and
- (9) A Native Hawaiian individual with expertise in Native Hawaiian traditional and customary practices, nominated by the Office of Hawaiian Affairs, in coordination with the Edith Kanaka‘ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai‘i Community College.

All members of the board, except for the Chairperson of the Board of Land and Natural Resources and Chief Executive Officer of the Office of Hawaiian Affairs, shall be appointed by the Governor pursuant to section 26-34, Hawaii Revised Statutes.

In nominating its three respective board seats, the Office of Hawaiian Affairs shall develop a list of candidates for consideration by the Governor. In developing a list of nominees, the Office of Hawaiian Affairs shall seek input from the Native Hawaiian community and work in coordination with the Edith Kanaka‘ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai‘i Community College, using the existing selection process for Island Burial Council candidates as a model. The Office of Hawaiian Affairs, in coordination with the Edith Kanaka‘ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai‘i Community College, shall submit at least two names for each of its respective board seats to the Governor for consideration. All nominees whose names are submitted to the Governor for selection shall be made public at the time of submission.

In nominating its four respective board seats, the nominating committee shall develop a list of candidates for consideration by the Governor. Prior to developing a list of candidates, the nominating committee shall provide adequate public notice to ensure that the public is aware that applications are being accepted for nominees. Each list for

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a vacant board seat shall contain three names, and all nominees whose names are submitted to the Governor for selection shall be made public at the time of submission.

The nominating committee shall be comprised of individuals named and appointed by each of the following: the Speaker of the House of Representatives, Senate President, and Chief Executive Officer of the Office of Hawaiian Affairs, with consideration given to Hawai'i Island residents.

The board shall appoint an Executive Director who shall serve as Chief Executive Officer. Additionally, the Governing Entity shall determine its administration organizational structure and expertise needs, including but not limited to employing rangers to serve as education, general safety, and outreach resources; and shall establish its offices on Hawai'i Island.

POWERS AND DUTIES

The Working Group recognized that the scope of managing an area of such important cultural significance and geographic size presents many challenges. Additionally, because Mauna a Wākea is the kuahiwi, or backbone, of Hawai'i Island in a structural, physical, and spiritual sense, the Governing Entity should work toward decreasing the human footprint of all users and visitors of Mauna a Wākea. Therefore, the Working Group recommends the following powers and duties for the Governing Entity to ensure that it can uphold the responsibilities of managing Mauna a Wākea:

The Governing Entity shall be the sole authority for the management of designated state-managed lands on Mauna a Wākea (see JURISDICTION). The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai'i.⁷ Furthermore, the Governing Entity shall protect Native Hawaiian rights.

The Governing Entity shall have land disposition authority for its lands with similar land disposition processes and lease terms that are consistent with chapter 171, Hawaii Revised Statutes. The Governing Entity shall also provide a specific process that ensures transparency, analysis, and justification for lease terms and shall be prohibited from selling, gifting, transferring, or exchanging its land.

⁷ This language mirrors §6K-9, Hawaii Revised Statutes, related to the Kaho'olawe Island Reserve Commission.

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To assure that the Governing Entity has adequate time to establish itself, the Governing Entity shall have a transition period of three years to assume management of Mauna a Wākea lands.

Furthermore, the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the State's energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values.

The Governing Entity shall also develop an aspirational statement to acknowledge and contextualize unresolved social justice issues that underpin Mauna a Wākea.

The Governing Entity shall develop a framework to limit astronomy development on the mauna through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state.⁸

The Governing Entity shall establish an astronomy advisory group and Native Hawaiian advisory group, with preference for Hawai'i Island resident participation, to provide advice and guidance on their respective subjects. Additionally, the Governing Entity may establish other advisory groups to assist and guide in its management of Mauna a Wākea. The advisory groups shall be convened regularly and be consulted on a broad range of issues relating to their respective purview.

⁸ The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawai'i's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members.

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To ensure community input and engagement, the Governing Entity shall engage in community dialogue, outreach, engagement, and consultation processes, as appropriate, on significant matters not less than on an annual basis and more frequently, as needed.

To maximize transparency, the Governing Entity shall be subject to administrative procedure pursuant to chapter 91, Hawaii Revised Statutes; Sunshine Law, pursuant to chapter 92, Hawaii Revised Statutes; the State Procurement Code, pursuant to chapter 103D, Hawaii Revised Statutes; and chapters 183C, 205, 205A, and 343, Hawaii Revised Statutes.

To ensure accountability, the Governing Entity shall submit an annual report to the Legislature at least twenty days prior to the convening of each Regular Session. The report shall include a review of the entity's management actions; review of the implementation of all legislatively required plans, including financial and management plans; review of the impacts of human uses on the natural and cultural resources of Mauna a Wākea; assessment of cumulative impacts to Mauna a Wākea; and review of all community dialogue, outreach, engagement, and consultation.

To address enforcement issues and responsibilities, the Governing Entity shall work with the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement and Hawai'i County Police enforcement structure to enforce rules and monitor public safety through cooperative agreement. Additionally, the Governing Entity shall create operational procedures that are guided by the Kumu Kānāwai and implemented by enforcement partners.

ACCESS AND USE PRIORITIES

Due to Mauna a Wākea's significance, the Working Group took a comprehensive approach in determining the existing uses of Mauna a Wākea, including Native Hawaiian practices, astronomical and other scientific research, tourism, resource gathering, conservation, and recreation. The Working Group determined that prioritizing these uses and better managing access to Mauna a Wākea would assist the Governing Entity in meeting its responsibilities and management priorities. Therefore, the Working Group recommends the following access and use priorities for the Governing Entity:

The Governing Entity shall establish a management framework guided by the Kumu Kānāwai to manage access, stewardship, education, research, permitted uses for frequent and seasonal users, and overall operations. The Governing Entity shall also

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prohibit commercial use and activities (not including astronomy) above Hale Pōhaku and develop rules to designate areas for permissible use, including defining "commercial use".⁹

The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance.¹⁰ Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time.

The Governing Entity shall ensure that, as a condition of any lease, an observatory shall plan for and finance its decommissioning process on Mauna a Wākea and return and restore the impacted areas, to the greatest extent possible, to their pre-construction condition. Additionally, the Governing Entity shall determine what site restoration shall be based on, including but not limited to the protection of the natural and cultural resources of Mauna a Wākea and in accordance with the Kumu Kānāwai, and develop a process to enforce lease requirements compliance, such as establishing fines. Additionally, the Governing Entity shall establish a trust fund, special fund, or other funding mechanism designated for decommissioning costs that the observatories shall be required to contribute toward as a condition of their leases.

To further reinforce the management principles for Mauna a Wākea, the Governing Entity shall require all people accessing Maunakea to undergo an annual orientation anchored by the Kumu Kānāwai and require all employees, contractors, leaseholders, and others who regularly access Mauna a Wākea to have more extensive and frequent training on the Kumu Kānāwai.

As a way to capture information about users, establish an education outreach post, collect fees, and close access to Mauna a Wākea in case of an emergency, the Governing Entity shall determine an appropriate site for an entryway to Mauna a Wākea.

⁹ While certain members of the Working Group clearly preferred to also prohibit astronomy activities on the mauna, the Working Group could not reach consensus on whether astronomy activities should be prohibited.

¹⁰ Ms. Doane noted for the record that bona fide practitioners should not be unduly burdened from exercising their constitutionally protected Native Hawaiian practices and, when setting up its access processes, the Governing Entity should consider what process should specifically apply for constitutionally protected practitioners.

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FUNDS AND FINANCIAL SUPPORT

The Working Group recognized that financing the operations of the Governing Entity would be critical in ensuring the perpetuity of Mauna a Wākea. Several funding mechanisms were presented by the members of the Working Group with the intent of ensuring that the Governing Entity had authority to secure funding from a variety of sources. Therefore, the Working Group recommends the following financing for the Governing Entity:

To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding.

To help establish the Governing Entity, general funds should be allocated by the Legislature for at least the first five years. Special funds shall also be used to provide financial support for the Governing Entity.

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Photography Credit: Ku'u lei Kanahale, Ph.D.

CLOSING

REFLECTION

Kīho‘iho‘i Kānāwai, the edict of regeneration, is a necessary component of all living systems to heal and grow. This can be physical or spiritual. With this in mind, the existing management structures may be viewed as a microcosm of ‘āina that is in need of care, a time for fallow and for regeneration. To this end, the chasm that exists between ‘āina and people will persist, without careful attention towards the human governance and management systems that have the power and authority to serve Mauna a Wākea for the sake of its own health and vitality. Indeed, Mauna a Wākea is a cherished ancestor, to be cared for and protected for all generations.

Kānāwai Kupukupu - the edict of "little eyes" or ‘ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of

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germination; seasons for fledglings; season for whale calving. ‘Ōmaka is the beginning of regenerations.

Kānāwai Kūkeao - health of clouds; pollution in atmosphere and privatization of water cycle-care given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

APPENDICES

- Appendix A – House Resolution 33, H.D. 1 (2021)
- Appendix B – Summaries of Working Group Meetings
- Appendix C – Maps of Mauna a Wākea
- Appendix D – Public Comments on Draft Report

APPENDIX A

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

H.R. NO. 33
H.D. 1

HOUSE RESOLUTION

CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR A
GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA KEA.

1 WHEREAS, pursuant to article XII, section 4 of the Hawaii
2 State Constitution, the State holds public land as a public
3 trust for Native Hawaiians and the general public; and
4

5 WHEREAS, as the trustee of the public land trust, the State
6 has a duty to protect and maintain the trust property and
7 regulate its use; and
8

9 WHEREAS, Mauna Kea is public land that is included in the
10 public land trust; and
11

12 WHEREAS, since 1968, the University of Hawaii has been
13 responsible for the management of Mauna Kea; and
14

15 WHEREAS, the Independent Evaluation of the Implementation
16 of the Mauna Kea Comprehensive Management Plan, prepared for the
17 Department of Land and Natural Resources by Ku'iwalu and
18 published in December 2020, concluded that while the University
19 of Hawaii has effectively implemented most of the management
20 actions related to protecting the natural and cultural resources
21 of Mauna Kea, the management actions designed to respect the
22 Hawaiian cultural practices and resources and conduct education
23 and outreach that were intended to restore trust between the
24 University of Hawaii and the Native Hawaiian community have not
25 been effectively implemented; and
26

27 WHEREAS, the report found a lack of genuine consultation
28 with the Native Hawaiian community; and
29

30 WHEREAS, the report also found that the lack of genuine
31 consultation with the Native Hawaiian community has resulted in
32 greater mistrust of the University of Hawaii and management of



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H.R. NO. 33
H.D. 1

1 Mauna Kea, leading to polarization between various stakeholders
2 on Mauna Kea and in our communities; and
3

4 WHEREAS, this mismanagement, mistrust, and polarization
5 must be reconciled; now, therefore,
6

7 BE IT RESOLVED by the House of Representatives of the
8 Thirty-first Legislature of the State of Hawaii, Regular Session
9 of 2021, that a working group is convened to develop
10 recommendations, building on the findings of the Independent
11 Evaluation of the Implementation of the Mauna Kea Comprehensive
12 Management Plan, for a new governance and management structure
13 for Mauna Kea that collaboratively engages with all
14 stakeholders, particularly the Native Hawaiian community; and
15

16 BE IT FURTHER RESOLVED that the working group consist of
17 the following membership:
18

- 19 (1) One member to be appointed by the Speaker of the House
20 of Representatives, to serve as the chairperson of the
21 working group to facilitate the group to develop a
22 consensus;
23
- 24 (2) Three members of the House of Representatives to be
25 appointed by the Speaker of the House of
26 Representatives;
27
- 28 (3) Seven members who are Native Hawaiian to be nominated
29 by Native Hawaiian groups, organizations, or
30 communities and appointed by the Speaker of the House
31 of Representatives;
32
- 33 (4) One representative from the Office of Hawaiian
34 Affairs;
35
- 36 (5) One representative from the Board of Land and Natural
37 Resources;
38
- 39 (6) One representative from the University of Hawaii Board
40 of Regents; and
41
- 42 (7) One representative from Mauna Kea Observatories; and



1 BE IT FURTHER RESOLVED that the working group is requested
2 to take into consideration the Independent Evaluation of the
3 Implementation of the Mauna Kea Comprehensive Management Plan,
4 prepared for the Department of Land and Natural Resources by
5 Ku'iwalu and published in December 2020, when developing the
6 recommendations for a governance and management structure for
7 Mauna Kea; and
8

9 BE IT FURTHER RESOLVED that the working group is requested
10 to submit a report of its findings and recommendations,
11 including any proposed legislation, to the Legislature no later
12 than December 31, 2021; and
13

14 BE IT FURTHER RESOLVED that certified copies of this
15 Resolution be transmitted to the Speaker of the House of
16 Representatives, Chairperson of the Office of Hawaiian Affairs,
17 Chairperson of the Board of Land and Natural Resources,
18 Chairperson of the Board of Regents of the University of Hawaii,
19 and Mauna Kea Observatories.
20
21
22



APPENDIX B



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

July 1, 2021, 1 – 3 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Sterling Wong (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Guest: Rep. Scott K. Saiki

- Speaker Scott Saiki welcomed and thanked the members for their participation and reviewed the purpose of the Working Group. The Speaker introduced Rep. Mark Nakashima as Chair of the Working Group.
- Working Group members were introduced.
- Members agreed that meetings will take place on the second and fourth Wednesday of every month from 5 – 7 p.m. by video conference.
- Members agreed that any public statements would be subject to their review and approval.
- Next meeting: July 14, 2021 (Wednesday), 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

July 14, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil

Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Excused: Mr. Sterling Wong (OHA)

- Presentation by Dr. Kanaka'ole and Mr. Mangauil sharing the cultural perspectives relating to Mauna Kea
- The possibility of subgroups was discussed with Chair Nakashima's request that members contact him with their thoughts and ideas.
- Members continued discussion about a site visit to Hawaii Island and Mauna Kea. There was agreement to work on an itinerary and logistics for this visit on August 7-8, 2021.
- The group also discussed significant sites to visit as part of their meeting.
- Next meeting: July 28, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

July 28, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil

Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Sterling Wong (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)

- The logistics and itinerary for the Hawaii Island and Mauna Kea visit were discussed and planned. Members planned to meet at Mauna Kea on Saturday, August 7 and then reconvene the next day, Sunday August 8 for further discussions.
- Ground rules for sharing information with non-working group members was also revisited. Members agreed upon to continue to keep matters confidential and that public statements would be subject to the review and approval of the Working Group.
- There was agreement to release a public statement with updates of the Working Group's current efforts to be posted on the Mauna Kea Working Group's webpage. The release would welcome comments from the public to be submitted by email to maunakeawg@capitol.hawaii.gov.
- Each member shared their own personal insights or vision regarding what they believe will contribute to the betterment of Mauna Kea.
- Next meeting: August 8, 2021, 9 - 11 a.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

August 8, 2021, 9 - 11 a.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahahele
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

Dr. Noe Noe Wong-Wilson
Mr. Sterling Wong (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Excused: Ms. Jocelyn Leialoha M. Doane
Mr. Joshua Lanakila Mangauil

- Members agreed to postpone their Hawaii Island site visit originally scheduled for August 7-8 to September 11 – 12 due to COVID concerns.
- A subgroup was created to develop language for the final report regarding the historical and cultural aspects of Mauna Kea with Mr. Masuda agreeing to be the lead. Members will include Mr. Mangauil, Dr. Wong-Wilson, Dr. Kanakaole and Chair Nakashima.
- Chair Nakashima requested a future presentation by the subgroup on the cultural and historical aspects of Mauna Kea. It was suggested that the management of Kahoolawe and Papahānaumokuākea be considered as models for Mauna Kea.
- Various agencies who currently have purview over Mauna Kea were discussed. DLNR will provide a map of Mauna Kea showing jurisdictions of agencies currently responsible for different areas of Mauna Kea.
- Next meeting: August 11, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

August 11, 2021, 9 - 11 a.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Sterling Wong (OHA)

Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Excused: Rep. Ty J.K. Cullen
Mr. Joshua Lanakila Mangauil
Guests: Rep. Scott K. Saiki
Ms. Norma Wong
Mr. Na'alehu Anthony
Dr. Noa Emmett Aluli

- Introduction of invited guests: Ms. Norma Wong, Mr. Na'alehu Anthony, Dr. Noa Emmett Aluli
- Presentation of their shared experiences, including the establishment of the components the governance structure for the Kaho'olawe Island Reserve.
- Discussion of the Kaho'olawe experience and governance.
- Mr. Masuda shared a map of Mauna Kea that shows the various parties engaged in management
- Next meeting: August 25, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

August 25, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Excused: Ms. Jocelyn Leialoha M. Doane

- Mr. Wayne Tanaka was introduced. He will replace Mr. Sterling Wong, as the representative for the Office of Hawaiian Affairs.
- Subgroup on Native Hawaiian Culture reported provided a report of its August 16 discussions.
- Members shared their personal relationship with the land and their connection to Mauna Kea.
- Rep. Nakashima questioned the group regarding the site visit to Hawaii Island and Mauna Kea originally set for Sept 11-12. Members decided to postpone the site visit indefinitely due to the current pandemic.
- Next meeting: September 1, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

September 1, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Guest: Rep. Scott K. Saiki

- Members continued to share their personal relationship with the land and their connection to Mauna Kea
- Subgroup on Native Hawaiian Culture provided a report of its meeting on August 30. Dr. Kanakaole explained the key cultural considerations: the height of Mauna Kea and impact on water.
- Members introduced and discussed possible steps to achieve the working groups goals:
- Members re-visited whether it would be helpful to engage a facilitator to assist with future meetings. It was decided to engage Mahina Duarte and Sterling Wong to assist with facilitation and note-taking for future meetings.
- Next meeting: September 8, 2021, 5 – 7 p.m.
 - Dr. Kanakaole will discuss clouds (45 minutes)
 - DLNR will address geographic area and land classification, including enforcement agencies, on Mauna Kea

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

September 8, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Mr. Joshua Lanakila Mangauil

- Ms. Duarte and Mr. Wong were introduced as the facilitators who will be assisting with the Working Group.
- Dr. Kanakaole discussed water systems, including clouds, with the Working Group.
- Mr. Masuda reviewed the Mauna Kea map. He asked that follow-up questions be submitted by email to Chair Nakashima (repnakashima@capitol.hawaii.gov).
- Next meeting: September 15, 2021, 5 – 7 p.m.
 - What regulations do the existing observatories need to follow (e.g., cesspools)?

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP Meeting Summary

September 15, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Dr. Noe Noe Wong-Wilson
Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Mr. Shane Palacat-Nelsen

- Mr. Masuda provided an update on the Culture sub-committee:
 - Discussed proposed steps for moving forward
 - Discussed draft maps prepared by DLNR
- Mr. Matsuda discussed what the observatories are doing for cesspools with the Working Group.
 - Mr. Matsuda and Dr. Irwin will provide additional information about the decommissioning of septic systems at a future meeting
 - A presentation regarding regulations for conservation lands, including sub-zones will be scheduled for a future meeting
- Dr. Irwin explained what the University of Hawaii is doing with the draft Maunakea Master Plan and pending Comprehensive Master Plan update. She encouraged members to review and provide comments about the draft Master Plan. She will provide an update about the Comprehensive Master Plan schedule.
- Chair Nakashima reviewed the Working Group schedule in order to provide a report of its findings and recommendations, including proposed legislation, to the Legislature by December 31, 2021:
- Next meeting: September 22, 2021, 5 – 7 p.m.
 - Report from the Culture sub-group

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- Review of the maps developed by DLNR (30 minutes)
- Discussion of Next Steps

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

September 22, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Dr. Noe Noe Wong-Wilson
Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Mr. Shane Palacat-Nelsen

- Mr. Masuda provided an update on the Culture sub-committee:
 - The Culture sub-committee presented a statement to "set a Native Hawaiian cultural foundation" for consideration and discussion by the Working Group:

"Maunakea and Maunaloa are life-giving sources. Thus, making these environs and ecosystems, sacred space.

Through chants, mo'olelo, generational observation, cultural practice and science, we understand that the height of Maunakea, particularly the summit area, interacts with the natural weather elements to create, attract and convey water which is essential to all biota and human life. As such, the geographic jurisdiction should enable an integrated and whole systems management and careship approach which prioritizes the protection of Maunakea's hydrology and ecology."

- Reviewed and discussed maps prepared by DLNR showing water, ceded lands, and culturally significant landmarks, including 5,000, 6,000, and 7,000 elevation lines.
- The Working Group discussed the geographic jurisdiction and scope for the new management structure.

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- In preparation for the briefing by UH, Dr. Irwin requested that questions be provided in advance.
- Next meeting: September 29, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

September 29, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)

- Members discussed the decision making process for the Working Group
- Members discussed the stakeholders and right holders
- Ms. Doane shared information about ceded lands and public trust lands.
- Members discussed logistics for an additional meeting on October 17, 2021
- Ms. Onodera asked for feedback regarding the planned presentation regarding the role of astronomy.
- Next meeting: October 6, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

October 6, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahale
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Wayne Tanaka (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Dr. Marianne Takamiya
Excused: Rep. Stacelynn K.M. Eli

- Members discussed the stakeholders and right holders.
- Dr. Irwin provided information about the University of Hawaii's current role.
- Dr. Marianne Takamiya, UH Hilo Astronomy Department Co-Chair, joined the meeting to discuss the role of Mauna Kea for astronomy. Dr. Takamiya, Mr. Matsuda, and Ms. Onodera provided information about astronomy.
- Next meeting: October 13, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

October 13, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Ms. Carmen Hulu Lindsey (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guests: Ms. Athline Clark
Ms. Aulani Wilhelm
Mr. Brad Ka'aleleo Wong

- Chair Nakashima introduced Ms. Lindsey, Chair of the Board of Trustees, as the new Office of Hawaiian Affairs representative.
- Members continued the discussion of stakeholders and right holders.
- Mr. Wong, Ms. Clark, and Ms. Wilhelm shared information about the Papahānaumokuākea Marine National Monument.
- Dr. Irwin and Mr. Matsuda provided additional information about the role of astronomy and the University of Hawaii.
- Next meeting: October 17, 2021, 9 a.m. – 4 p.m.

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

October 17, 2021, 9 a.m. - 4 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

Dr. Noe Noe Wong-Wilson
Ms. Carmen Hulu Lindsey (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Speaker Scott K. Saiki

- Members reviewed the unifying purpose statement for the proposed new governance and management structure.
- Dr. Kanaka'ole shared a presentation, "Kumu Kānāwai," regarding the Native Hawaiian concept of environmental kinship.
- Members discussed guiding values and principles for the proposed new governance and management structure.
- Members discussed options for the proposed governance and management structure.
- Next meeting: October 20, 2021, 5 – 7 p.m.

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

October 20, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Ms. Carmen Hulu Lindsey (OHA)
Mr. Robert K. Masuda (DLNR)
Dr. Bonnie Irwin (UH)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)

- Chair Nakashima reviewed progress to date.
- Mr. Wong shared other reports to the Legislature for discussion.
- Members discussed the timeline for the working group. Subgroups were created to address issue areas.
- Next meeting: October 27, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

October 27, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Sylvia Hussey (OHA)
Excused: Ms. Carmen Hulu Lindsey (OHA)
Dr. Bonnie Irwin (UH)

- Chair Nakashima reviewed progress to date.
- Members discussed future plans.
- Subgroups met to discuss plans to address issue areas.
- Subgroups met to follow-up on work discussed on October 17.
- Next meeting: November 3, 2021, 5 – 7 p.m.

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

November 3, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused: Dr. Lui Hokoana
Ms. Carmen Hulu Lindsey (OHA)

- Chair Nakashima reviewed progress to date.
- Members revisited guiding values and principles, the geographic jurisdiction, and public outreach.
- Subgroups met to discuss plans to address issue areas.
- Chair Nakashima reminded the members that the Decadal Survey will be released on November 4, 2021.
- Next meeting: November 10, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

November 10, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused: Dr. Lui Hokoana
Ms. Carmen Hulu Lindsey (OHA)

- Chair Nakashima reviewed progress to date.
- The sub-groups reviewed progress, recommendations, and questions.
- The working group discussed funding vehicles.
- Next meeting: November 17, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP Meeting Summary

November 17, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused:
Ms. Carmen Hulu Lindsey (OHA)

- Chair Nakashima reviewed progress to date.
- Members discussed financing for the proposed management organization.
- Members discussed the placement of the new management organization.
- Members discussed whether the new management organization would need to have a community outreach requirement.
- Next meeting: November 22, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

November 22, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused: Mr. Joshua Lanakila Mangauil
Ms. Carmen Hulu Lindsey (OHA)

- Members discussed the potential recommendations regarding access to Mauna Kea.
- Members discussed the plan for soliciting public comment in December 2021. The Working Group will make the draft report available for review and comment on the capitol.hawaii.gov website. Public will be invited to submit comments by email.
- Next meeting: November 29, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP Meeting Summary

November 29, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused: Mr. Shane Palacat-Nelsen
Ms. Carmen Hulu Lindsey (OHA)

- Members discussed the potential recommendations regarding access to and use of Mauna Kea.
- Members discussed whether the new governing entity should be required to submit an annual report to the Legislature.
- Members discussed the transition period envisioned.
- Next meeting: December 1, 2021, 5 – 7 p.m.

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

December 1, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Guest: Ms. Sylvia Hussey (OHA)
Excused:
Ms. Carmen Hulu Lindsey (OHA)

- Chair Nakashima reviewed the timeline for the Working Group.
- Members discussed the potential recommendations regarding decommissioning of observatories.
- Members discussed additional details regarding the board of the new governing entity.
- Next meeting: December 7, 2021, 9 a.m. – 1 p.m.

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STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

December 7, 2021, 9 a.m. - 1 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson

Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Sylvia Hussey (OHA)
Ms. Mahina Duarte (Facilitator)
Excused: Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Dr. Bonnie Irwin (UH)
Mr. Sterling Wong (Facilitator)

- Members discussed the draft report, revisions, questions, and concerns.
- Members discussed the board composition and nomination process.
- Members discussed the importance of balancing cultural access and proper management.
- Next meeting: December 8, 2021, 5 p.m. – 7 p.m.

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STATE OF HAWAII
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HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

December 8, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Sylvia Hussey (OHA)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Excused: Rep. Stacelynn K.M. Eli
Mr. Sterling Wong (Facilitator)

- Members reviewed the agreements to date.
- Members discussed the land transfer provisions.
- Next meeting: December 15, 2021, 5 p.m. – 7 p.m.

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STATE OF HAWAII
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HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

December 15, 2021, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Sylvia Hussey (OHA)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Rep. Ty J.K. Cullen

- Members discussed a possible recommendation regarding the number of allowable observatories.
- Members discussed the draft report.
- Next meeting: January 5, 2022, 5 p.m. – 7 p.m.

APPENDIX B



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

January 5, 2022, 5 - 7 p.m. | Full Working Group meeting

Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera

Mr. Shane Palacat-Nelsen
Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Dr. Sylvia Hussey (OHA)

- Members discussed whether revisions or additions to the draft report are needed.
- Members discussed the comments received on the draft report.
- Chair Nakashima reviewed next steps, including the legislation being drafted.
- Next meeting: January 12, 2022, 5 p.m. – 7 p.m.

APPENDIX B



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

MAUNA KEA WORKING GROUP

Meeting Summary

January 12, 2022, 5 - 6 p.m. | Full Working Group meeting

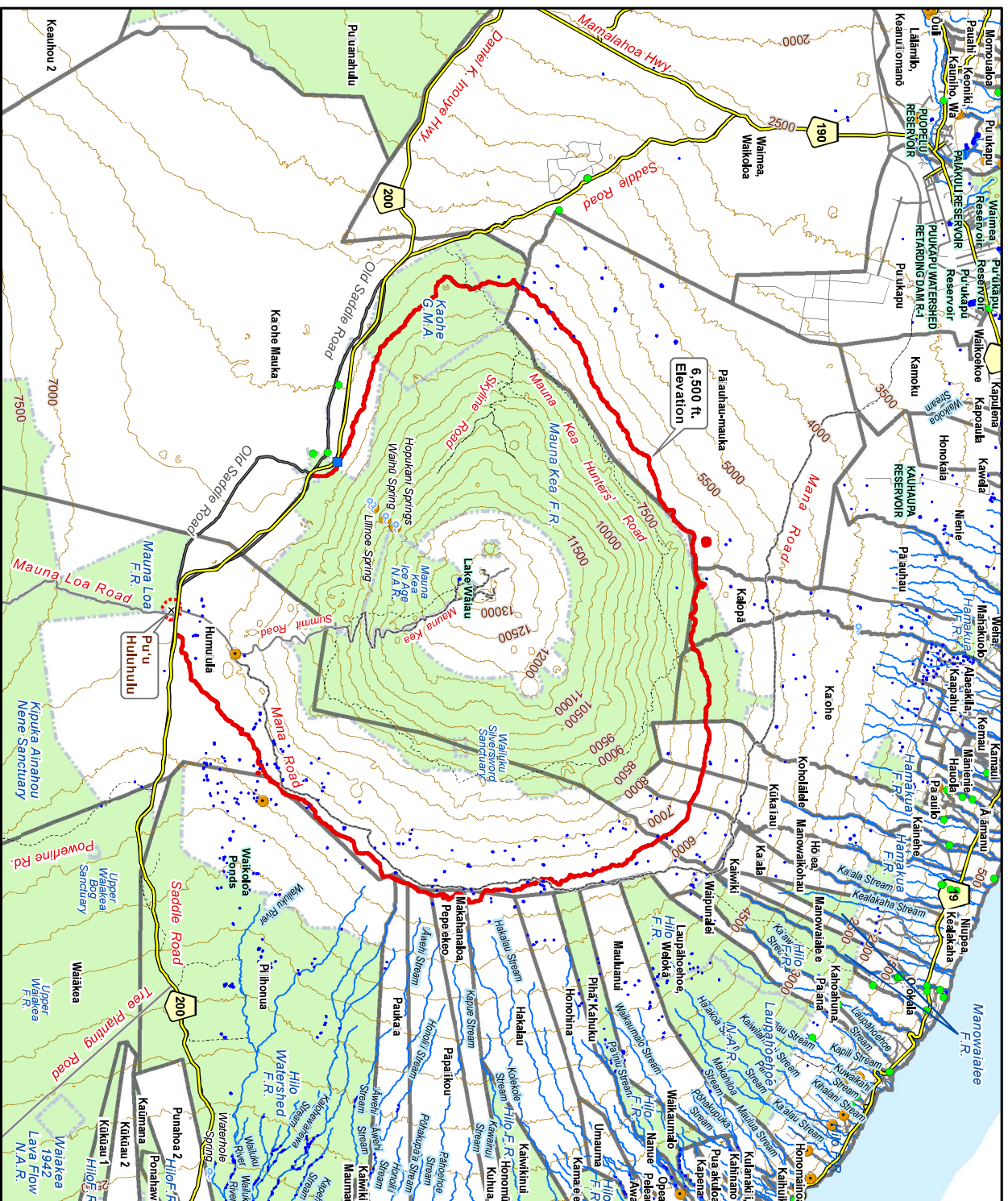
Participants:

Rep. Mark Nakashima, Chair
Rep. Ty J.K. Cullen
Rep. Stacelynn K.M. Eli
Rep. David A. Tarnas
Ms. Jocelyn Leialoha M. Doane
Dr. Lui Hokoana
Dr. Pualani Kanaka'ole Kanahele
Mr. Joshua Lanakila Mangauil
Ms. Brialyn Onodera
Mr. Shane Palacat-Nelsen

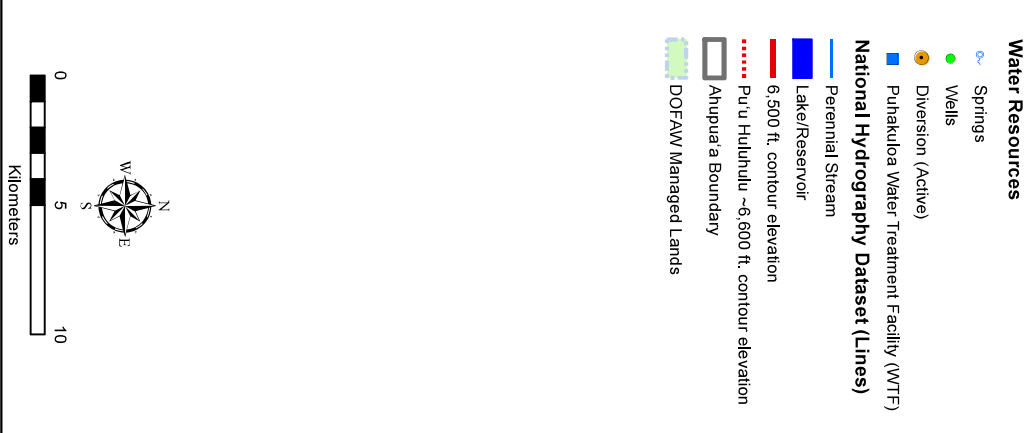
Dr. Noe Noe Wong-Wilson
Mr. Robert K. Masuda (DLNR)
Mr. Rich Matsuda (Maunakea
Observatories)
Dr. Bonnie Irwin (UH)
Ms. Mahina Duarte (Facilitator)
Mr. Sterling Wong (Facilitator)
Excused: Dr. Sylvia Hussey (OHA)
Guest: Speaker Scott K. Saiki

- Members discussed the final draft of the report.
- Speaker Saiki thanked the members for their participation in the Working Group.
- Chair Nakashima adjourned the Working Group.

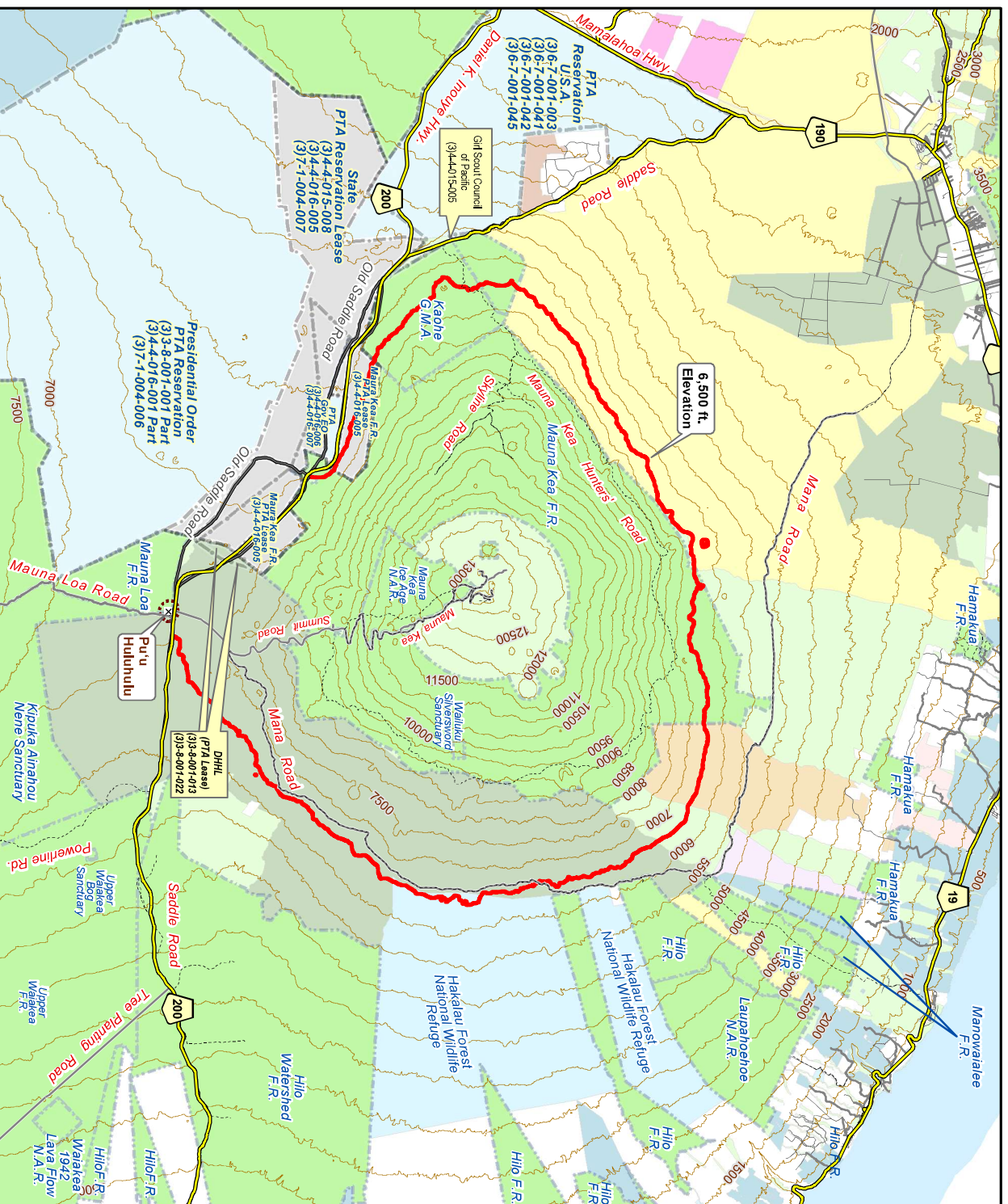
APPENDIX C



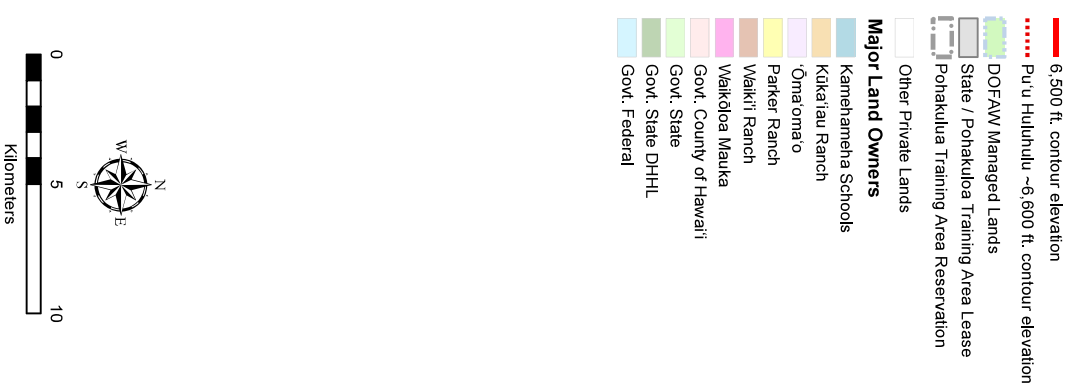
Mauna a Wakea Working Group (Ahupua'a and Water Map) 2021.12.09



APPENDIX C



**Mauna a Wakea Working Group
(Land Ownership and Leases Map)
2021.12.09**



APPENDIX D

From: [CharlieBrew Too](#)
To: [Mauna Kea Working Group](#)
Subject: Governing Entity
Date: Friday, December 17, 2021 6:29:35 PM

The University of Hawaii gets the short end of the stick. A Governing Entity. I really need to understand why there is this attack on the education system. Remove the University; remove the knowledge gained.

A Governing Entity. I wonder how many volunteers there are from UH? I wonder how many will walk away? Tell me how the removal of all to be back to natural is going to happen and who pays for that? Does the public, you know; the citizens of Hawaii; have a voice?

Entity: A thing with distinct and independent existence.

Governing: Having authority to conduct the policy, actions, and affairs of a state, organization, or people.

APPENDIX D

From: [CharlieBrew Too](#)
To: [Mauna Kea Working Group](#)
Subject: Governing Entity part two
Date: Friday, December 17, 2021 6:47:53 PM

Governing entity means an incorporated or unincorporated association, committee, person or any other entity that has authority, under a governing document, to maintain commonly maintained property, impose assessments on lots or to act on behalf of lot owners within the planned community on matters of common concern.

Thank you,
Charles

APPENDIX D

From: [Patw](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Management comment
Date: Friday, December 17, 2021 11:49:01 AM

The following: tinyurl.com/y2xbd2pb does not result in a full plan as indicated. Might take a look at that. I sure would like to see a copy of the plan.

Does the management goal of returning the 9500 foot level to its natural state mean the removal of the telescopes?

I hope not, their removal would be a tragic scientific mistake as we can currently observe the outer reaches of our universe. How senseless it would be to become blind to serve the conjured up rights of a native population that all came to this barren island just as we all have come. We are all immigrants of one sort or another and if there is to be peace in this world we all need to cooperate instead of fighting over a windswept hunks of land! We need to share for the good of all.

Pat Wendt
Pahoa

Sent from my iPad

APPENDIX D

From: [CharlieBrew Too](#)
To: [Mauna Kea Working Group](#)
Subject: Previous emails
Date: Saturday, December 18, 2021 2:44:47 PM

Please note two emails from my email address was sent in error. My apologies.
Regards

APPENDIX D

From: [MARJORIE CHASE](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea draft proposal 12/17/2021
Date: Saturday, December 18, 2021 4:11:53 AM

I would like to comment on the draft proposal. I believe astronomy has a place on Maunakea and while honoring and incorporating native Hawaiian legends and religion astronomy can offer so much more in terms of science advancement for all peoples and locally jobs and education benefits for our keiki. I think there should be allowed multiple voices including native Hawaiians and astronomers at the table with the goal of finding a way to move and encourage new discoveries.

Mahalo,
Marjorie Chase
65-1214 Pono Ln
Kamuela, HI 96743

APPENDIX D

From: [JOHN LOCKWOOD](#)
To: [Mauna Kea Working Group](#)
Cc: [Rep. Mark Nakashima](#)
Subject: WG Report
Date: Saturday, December 18, 2021 3:31:39 PM

Aloha Kakou:

I am a friend of ke Mauna a Wakea - first climbed up there in 1971, and have probably spent more time camped out and around the summit (mapping geology) than anyone else in recent times.

Mauna Kea is indeed a sacred mauna - for many reasons to many different people. For me sacredness derives from the Hawaiian understanding that Mauna Kea is the **piko between Wakea and Papa**. To me, the modern studies of astronomy, coupled with Hawaiian traditional understandings are the key to that piko.

Your Working Group Report completely ignores the vital relationship between science and our understanding of that vital piko.

By seeming to exclude science from your suggestions, I find most of your report suggestions non-starters!

E kala mai o'u mau hoa,

Jack Lockwood

APPENDIX D

From: [Michael Mack](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea management proposal.
Date: Saturday, December 18, 2021 10:36:21 AM

Aloha,

I would like to share two comments on the Manua Key management proposal sponsored by your group.

First, I think is very problematic for the working group to state that the eventual goal is to return Mauna Kea to its natural state. My very strong preference is to keep observatories on both Mauna Kea and Haleakala. I think it's important for the advancement of science, for our state economy, and ultimately for the survival of mankind. To me there is beauty in that, and I feel that beauty every time I seen an observatory. To me they are not eyesores. By stating that the eventual goal is to remove all of the observatories I think the working group is favoring the views of one particular group of people and ignoring the views of people like me.

Second, I think it's also problematic for the working group to exclude anyone involved in astronomy or UH from group membership. I think it's incorrect to state that such representation would be a conflict of interest. Everyone has a stake in this including native Hawaiians and experts in infrastructure, finance, resource management, and business. Astronomy should not be excluded. Ultimately if the working group's vision for Mauna Kea management comes to be, then any decisions negatively impacting astronomy will rightfully be called in to question.

Mahalo for your consideration,

Michael Mack
Maui

APPENDIX D

From: [Joanna Pashdag](#)
To: [Mauna Kea Working Group](#)
Cc: [Rep. Mark Hashem](#); [Sen. Stanley Chang](#)
Subject: Mauna Kea Working Group report
Date: Saturday, December 18, 2021 10:48:26 AM

Aloha,

Dear Working Group, Rep. Hashem, and Sen. Chang,

As a kamaaina (Kaimuki HS, 1966) and an educator (Assistant Professor of Psychology, Hawai Pacific University), I oppose the draft report of the Mauna Kea Working Group in its entirety. My specific objections follow.

1) A government document should not begin with a Foreword that establishes a grounding in a religious faith. This is a violation of the Consitutional doctrine of the separation of church and state.

2) The Foreword notes the presence of many international telescopes on Mauna Kea, including those run by organizations in the UK, Canada, Japan, South Korea, Australia, Argentina Brazil, and Taiwan, but then makes no further reference to this. The interest in the use of Mauna Kea for astronomy is one that extends far beyond the limits of the Native Hawaiian community or the State of Hawaii and this is not recognized by this report.

3) The report states that the mountain is a “spiritual, cultural, and environmentally sensitive” place. It is also a scientifically sensitive place, and this must be given equal recognition and support.

4) The report states that the Working Group recognized the importance that the Governing Entity be grounded in Native Hawaiian values and guiding principles. This is not a Native Hawaiian state. This is a multiethnic, multicultural state, and to base state actions on the values of one particular ethnic group is discrimination and an ethical error of the highest order, as it makes all other residents of the State second-class citizens.

5) The same unconstitutional privileging of a single ethnic group is seen in the proposed make-up of the Governing Entity.

6) Similarly, giving three of the nine seats on the board to Native Hawaiian Cultural Practitioners privileges not just a single ethnic group, but a single religion within that ethnic group.

7) The exclusion of the astronomy community from the Governing Entity on the grounds that they may have a conflict of interest is absurd, as other groups on the board, such as cultural practitioners, certainly have a conflict of interest as well.

6A) I will also note that Chair Nakashima was quoted in Hawaii News Now (December 18, 2021) as saying, “One of the alternatives was to have an astrology advisor committee attached to the board in some way to advise the board on astronomy issues and concerns.” This shows the degree of anti-science bias among at least some members of the Working Group. It’s equivalent to saying there should be a Tarot card reader on the Economic Development Board to help predict what will happen with the economy.

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In summary, the Report is unconstitutionally biased toward the interests of one particular ethnic group, and one particular religious viewpoint within that ethnic group. It recommends excluding essential stakeholders. It fails to show any recognition of the international importance of the Mauna Kea Observatories to the international scientific community.

I strongly recommend that this Report be withdrawn.

Mahalo,
Joanna A. Pashdag, PhD
Honolulu 96821

Licensed Psychologist, Hawaii
Licensed Psychologist, California
Clinical and Forensic Psychologist, UK

Assistant Professor, Hawaii Pacific University, Department of Psychology



Virus-free. www.avast.com

APPENDIX D

From: [Finney Bryant](#)
To: [Mauna Kea Working Group](#)
Date: Sunday, December 19, 2021 9:53:25 AM

It is in the best interest of all people in hawaii to have the new telescope

APPENDIX D

From: iwamih001@hawaii.rr.com
To: [Mauna Kea Working Group](#)
Subject: Comments to the Maunakea Working Group
Date: Sunday, December 19, 2021 8:48:42 PM

Aloha,

I would like to express my full support of the Thirty Meter Telescope on Mauna Kea. I also want to support having the leaders of the opposition group be represented. Their input was lacking in the present management of the Mauna.

Mahalo for dedicating your time to find a solution to move forward with the Thirty Meter Telescope with input from the Native Hawaiian People.

Ron Iwami
Manoa Valley

APPENDIX D

From: [Wally Marks](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea - world's largest optical telescope project
Date: Sunday, December 19, 2021 2:47:00 PM

Aloha.

As a property owner on this island, I fully support the efforts for a new management plan to continue to foster the science and its scientific community.

But, I urge this body to find compromise among the Native Hawaiians and their cultural movement to honor and preserve the heritage.

Thank you. Wally Marks

Wally Marks
310-678-5524 (m)

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From: [Emily Peavy](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on He Lā Hou Kēia Ma Mauna A Wākea: A New Day on Mauna A Wākea Report
Date: Sunday, December 19, 2021 11:45:37 AM

Aloha,

In looking over the report He Lā Hou Kēia Ma Mauna A Wākea: A New Day on Mauna A Wākea put out by the Maunakea Working Group, my heart is warmed in how our community can work together and be active problem solvers in the management of Maunakea.

It is easy to blame one component of the our Hawai'i community over mistakes made in the past and to hold grudges against members of our community as we search for a path to move forward. In working together as critical thinkers and problem solvers we can build up all of our community.

It was for this reason that I was disappointed that the proposed 9 member board proposed for the new government entity did not include a member of the astronomy community who live and work in Hawai'i. The board is very well rounded with community members representing Native Hawaiian Cultural Practitioners, education, land & 'āina resource management, and business/finance expertise. However, there is no representation of the active science & astronomy community in this governing entity.

I find this especially concerning as the report specifically states that the governing entity would be making decisions that would directly impact the astronomy community and their work on Maunakea, as illustrated in the quotes below. The astronomy community is an active component of our island community who are able to mindfully problem solve to bring a future that benefits everyone. Individuals within the astronomy community recognize the errors made in the past that hinder us today and would appreciate the opportunity to help heal the wounds that these errors caused. There are a number of members of the astronomy community who could effectively and respectfully join in on the conversation that this new governing entity would be leading; a conversation which would determine the future of their work, their field, and their entire lives.

Thank you for taking the time to read my comment and concerns, and I hope you will consider my thoughts.

Mahalo,

Emily Peavy, M.Ed.

Astronomy Educator & Resident of Hawai'i Island

"The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state" (pg. 25)

" The Governing Entity shall ensure that, as a condition of any lease, an observatory shall plan

APPENDIX D

for and finance its decommissioning process on Mauna a Wākea and return and restore the impacted areas, to the greatest extent possible, to their preconstruction condition." (pg. 26)

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From: [CharlieBrew Too](#)
To: [Mauna Kea Working Group](#)
Subject: Re: Governing Entity
Date: Monday, December 20, 2021 1:30:38 PM

Aloha, I would like to know who are the parties of the Governing Entity?
Mahalo

On Mon, Dec 20, 2021, 10:55 AM Mauna Kea Working Group
<maunakeaWG@capitol.hawaii.gov> wrote:

Aloha,

Thank you for your comments. The Working Group will review them.

Mahalo and Please Stay Safe!

MKWG

From: CharlieBrew Too <cbrueg802@gmail.com>
Sent: Friday, December 17, 2021 6:29 PM
To: Mauna Kea Working Group <maunakeaWG@capitol.hawaii.gov>
Subject: Governing Entity

The University of Hawaii gets the short end of the stick. A Governing Entity. I really need to understand why there is this attack on the education system. Remove the University; remove the knowledge gained.

A Governing Entity. I wonder how many volunteers there are from UH? I wonder how many will walk away? Tell me how the removal of all to be back to natural is going to happen and who pays for that? Does the public, you know; the citizens of Hawaii; have a voice?

Entity: A thing with distinct and independent existence.

Governing: Having authority to conduct the policy, actions, and affairs of a state, organization, or people.

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APPENDIX D

From: [Clifton Hasegawa](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Ronald D. Kouchi](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Roz Baker](#); [Sen. Lynn DeCoite](#); [Rep. Scott Saiki](#); [Rep. Kyle Yamashita](#); [Rep. Troy Hashimoto](#); [Rep. Justin Woodson](#); [Rep. Angus McKelvey](#); [Rep. Tina Wildberger](#); [TrusteeHuluLindsey@oha.org](#); [TrusteeAhulsa@oha.org](#); [TrusteeAhuna@oha.org](#); [TrusteeAkaka@oha.org](#); [TrusteeAkina@oha.org](#); [TrusteeAlapa@oha.org](#); [TrusteeLee@oha.org](#); [TrusteeKeolaLindsey@oha.org](#); [TrusteeWaihee@oha.org](#); [info@mauicauses.org](#); [cblair@civilbeat.org](#)
Subject: Mauna Kea Working Group Draft Report – December 17, 2021
Date: Monday, December 20, 2021 8:18:52 AM
Attachments: [MKWG Draft Report 12-17-2021.pdf](#)

Dear Members of the Mauna Kea Management Working Group,

In order to successfully achieve the legislative mandate of effective and efficient management of Mauna Kea the following is shared for your consideration:

1. The University of Hawaii (UH) AND the Department of Land and Natural Resources (DLNR) be removed from participation in the new Governing Entity.

Rationale: Both entities have been involved in the management of Mauna Kea and have established agendas and strategies, creative and innovative approaches must be established and implemented. Rebuilding public trust forward and timely positive progress is mandatory.

2. A firm, realistically achievable timeline for the transfer of powers between UH, DLNR and the new Governing Entity be established.

Rationale: Timelines have been established by Governor Ige, the Hawaii Legislature, UH Board of Regents, Institute for Astronomy (IfA) have been passing glances, nods and hoodwinked - “In Progress”, “Not Yet Completed”, “On-Going” representations have been accepted as “solid management”. The transparency representations are simply a reflection of a failure of leadership, focus, prioritization and performance.

3. The new Governing Body be a separate agency as opposed to being administratively attached to DLNR.

Rationale: Consistency with Recommendation 1, DLNR be removed from the new Governing Entity.

4. The new Governing Entity established as an Executive Department. (Funding level to be determined and established by Legislature)

Rationale: Complete separation from the DLNR removes any direct conflict and appearances of conflicting interests.

SILOS, POLITICS, AND TURF WARS

Author: Patrick M Lencioni

ISBN:9780787976385, Publication: February 1, 2006

Silos are nothing more than the barriers that exist between departments within an organization.

Silos cause people who are supposed to be on the same team to work against one another.

APPENDIX D

Management Plans Are Created with The Best of Intentions;
But Ultimately, The Proof Is in The Implementation.
Ku'iwalu

Thank you very much for the opportunity to share my thoughts with your committee.

V/R

- Electronically Signed -

Clifton M Hasegawa
President & CEO
Clifton M. Hasegawa & Associates LLC
1322 Lower Main Street A5
Wailuku, Hawaii 96793
Mobile: 1-808.463.1277
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LinkedIn: <https://www.linkedin.com/in/cliftonhasegawa>

Administrator Citizens for Openness in Government

**HE LĀ HOU KĒIA MA
MAUNA A WĀKEA:
A NEW DAY ON
MAUNA A WĀKEA**

MAUNA KEA WORKING GROUP

A Report to the Legislature of the State of Hawaii

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DRAFT

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FOREWORD

‘O Kupulanakehau wahine

I noho ia kahiko o Kahiko-luamea

Hānau o Paupaniākea

‘O Wākea no ia

Kupulanakehau is the female

Coexisted with the male, Kahikoluamea

Created was Paupaniākea

It is Wākea, indeed!

This is an excerpt from the Kumulipo chant, Ka Wa Umikumamaha, Chapter 14, Lines 1844-1847. This pauku describes the nascency of Wākea. The initial entity of origin for Wākea is the female parent, Kupulanakehau, followed by recognition of the male, Kahikoluamea. The first born is Paupaniākea, a nomenclature for Wākea. They are one and the same.

‘O hānau ka mauna a Wākea

‘Opu‘u a‘e ka mauna a Wākea

‘O Wākea ke kane, ‘O Papa, o walinu‘u ka wahine

Hānau Ho‘ohōkū he wahine

Hānau Hāloa he ali‘i

Hānau ka mauna

He keiki mauna a Wākea

APPENDIX D

FOREWORD

The mountain of Wākea is born

Wākea's mountain pushes up and out

Wākea is the male, the supple, powerful female entity is Papa

Ho‘ohōkū is generated, a female

Hāloa is generated, a chief

The mountain is born

It is the spatial mountain progeny of Wākea

This chant is a portion of He Mele No Kauikeaouli, a chant in honor of Kamehameha III. It honors and acknowledges the wahipana o Mauna a Wākea as the eldest offspring, born of Wākea and Papawalinu‘u, male and female energies from which all life springs.

The authors of this report have chosen to utilize the nomenclature, Mauna a Wākea interchangeably with Mauna Kea to honor the significance of this mauna to the environment, island, and people.

Mauna a Wākea stands 13,803 feet above sea level near the center of Hawai‘i Island, more than 2,300 miles away from any other large land mass in the Pacific Ocean. Measured from base to peak at more than 33,500 feet, Mauna a Wākea is the tallest mountain on earth. Its physical stature as well as the neighboring Mauna Loa, which is 13,679 feet above sea level, dominate the landscape of the Island of Hawai‘i and create the myriad of climates which contribute to the island communities experiencing eleven of the world's thirteen different climate zones. Significantly, Mauna a Wākea and Mauna Loa's immense height affect the meteorology and hydrology of Hawai‘i Island, uplifting clouds pushed against the mountains by prevailing northeast tradewinds, inducing rainwater to percolate through layers of volcanic rock causing more than a billion gallons of fresh water to discharge from deep artesian aquifers into the ocean every day. (Thomas, 2008)

Interest in establishing astronomical facilities on the summit area of Mauna a Wākea began in the 1960's. In 1968, the Board of Land and Natural Resources provided a 65-year lease to the University of Hawai‘i. In 1970, the University of Hawai‘i built the first UH 88-inch telescope. By the end of the decade, five more telescopes were built, including the United Kingdom Infra-Red Telescope, the Canada-France-

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Hawai'i Telescope, the NASA Infrared Telescope Facility and two smaller instruments. By 1999, fourteen telescopes were built on the summit area, including the Caltech Submillimeter Observatory, James Clerk Maxwell Telescope, Keck I, Very Long Baseline Array, Keck II, Subaru, Gemini Northern Telescope, and the Smithsonian Submillimeter Array. (Ciotti, 2011)

In 1998, following complaints filed by the Sierra Club and community members, the State of Hawai'i Legislative Auditor's office conducted an audit and issued a scathing report of the mismanagement of the Board of Land and Natural Resources and the University of Hawai'i citing little had been done to protect natural resources of the mauna and lack of follow through on recommended actions. Subsequent reports, which still identified shortcomings, were filed by the State Legislative Auditor's office in 2005, 2014, 2017, and 2019.

Further, the Board of Land and Natural Resources granted a Conservation District Use Plan (CDUP) to the Thirty-Meter Telescope Project to develop a site near the summit area of Mauna a Wākea, which created a groundswell of opposition from communities across the State of Hawai'i. After exhausting legal challenges opposition to the project resulted in a stand-off with hundreds of kia'i, or protectors, halting construction on the proposed project site in 2015. In 2019, a second attempt by the project to begin construction was met with even more opposition which resulted in thirty-eight kupuna being arrested in a peaceful protect and a backlash from across the islands and supporters outside of Hawai'i.

The December 2020 Ku'iwalu report provides the Department of Land and Natural Resources (DLNR) an independent evaluation of the University of Hawai'i's (UH), specifically the Office of Mauna Kea Management's (OMKM), implementation of the CMP management actions contained in Section 7 of the CMP and the public input on how effective UH is managing Mauna a Wākea. This comprehensive report concluded that while OMKM has made progress in implementing most of the CMPs and CMP Managed Areas, three areas of CMP were not being effectively implemented including: timely adoption of administrative rules to ensure protection of Mauna a Wākea and its resources; lack of consultation of key stakeholders on matters relating to cultural resources issues; and that OMKM did not engage with the community, particularly the Native Hawaiian community on education and outreach.

Currently, in 2021 the Board of Land and Natural Resources Chair has granted the controversial Thirty-Meter Telescope a permit to begin construction. The project remains on hold, however, as they seek additional funding from the U.S. National Science Foundation. (Astro 2020 Decadal Survey, 2021)

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In consideration of these findings, the Working Group offers this report. It is with a renewed sense of hope that the new Entity and its partners will be further equipped to care for Mauna a Wākea with consistent and earnest application of the Kumu Kānāwai in all of its activities.

Kumu Kānāwai: The Native Hawaiian Concept of Environmental Kinship

The setting of a kahua for this report and for the establishment of a new entity to properly manage Mauna a Wākea, rooted in Hawaiian understanding is paramount. Toward this end, the following is an offering to establish a firm foundation.

Native Hawai'i cosmovision, corpus of knowledge, and praxis emerges from a worldview that includes natural phenomena as a part of the socioecological world of relationships in which all are intimately connected.

This worldview is evidenced in the Kumulipo, the preeminent Hawaiian genealogy composed for Lonoikamakahiki circa 1700. This genealogy chronicles the genesis of the Hawaiian universe to the creation of our islands to the appearance of the simplest life forms and to the evolution to man. The Kumulipo ends with the birth of Lonoikamakahiki, thus cementing man's relationship to every single life form in these islands and conveying the idea that all life is equal, the life of a human is equal to the life of the 'ōhi'a lehua of the forest and the coral of the ocean - all organisms are related and all contribute to the health of our 'āina (land) and ourselves. The Kumulipo not only relates man's relationship to flora and fauna, but also to the 'āina that nurtures us.

Traditionally, four kānāwai (laws of nature) govern our relationship to our 'āina, ensuring the health of the 'āina so that it will continue to nurture all life forms:

Ho'okikī Kānāwai - the edict of continuum; the cycles that balance and regulate our environment, inclusive of the hydrologic cycle, carbon cycle, nitrogen cycle, and rock cycle. It is imperative that these cycles are maintained for any disturbance throws the environment out of balance and wreaks havoc on livelihoods and communities.

Kua'ā Kānāwai - the edict of emergency; the cycles of our environment, replete with natural phenomena and elemental activity, provide warnings that forecast an impending disaster, such as earthquakes that may trigger an eruption or tsunami, the receding ocean that exposes the sea floor, distant thunder and rising water levels in rivers portending flash flooding, high surf that results in strong currents and dangerous shorebreaks, freezing temperatures and blizzard conditions. Elemental activity, and

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FOREWORD

their potential hazards, should dictate our actions and our responses. Ignoring these hazards may lead to injury and death.

Kai‘okia Kānāwai - the edict of boundaries; natural boundaries and pathways are delineated by lava flows, rivers, valleys, ocean, shoreline, land, sky and forest, kū and hina or vertical and horizontal divisions of air, ocean and earth. Traditionally, land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.

Kīho‘iho‘i Kānāwai - the edict of regeneration; when natural disaster or human activity changes the landscape, the land needs time to regenerate and reestablish its natural cycles. In the case of natural disasters, ecosystems can respond to restore balance in short order. Our ancestors understood this and recorded these phenomena in the Kumulipo, ‘o ke akua ke komo, ‘a‘oe komo kanaka. In the case of human disturbances, however, the capacity of natural systems to adjust depends on the nature of the system, the scope, scale, and duration of the activity, as well as the nature of its byproducts. Ecosystems with severe human disturbance often take longer to regain its balance, necessitating sustainable human intervention.

Normalizing the use of these traditional kānāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the ‘āina.

(PLACEHOLDER)

DRAFT

INTRODUCTION



Photography Credit: Ku'ulei Kanahale, Ph.D.

The kānāwai that were first introduced in the Foreword will be used as a framework for this report. Chapter 1 begins the cycle with Ho'okikī Kānāwai, the edict of continuum. Ho'okikī kānāwai is an articulation of the cycles that balance and regulate our environment. The continuance of these cycles is the reason that there is life in these islands. Of import, Mauna a Wākea generates life-giving water resources for all inhabitants of Hawai'i Island to benefit from and to appreciate. The organization of this report is described through the four kānāwai to set the organizational cornerstones for which the new entity may be firmly established and in recognition that Native Hawaiian worldview is a central cord that ties and affirms the continuance of mutual responsibility of kanaka to its 'āina.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required;

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this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kāmilohae and Kūha‘imoana - the edict of passage; ability for underground water and magma to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for the health of the island as fresh cool waters deter hurricanes from decimating islands.

SCOPE OF THE REPORT

This report was prepared as a result of the adoption of House Resolution No. 33, H.D. 1, (Regular Session of 2021), which convened a Mauna Kea Working Group (Working Group) to develop recommendations for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community. The findings and recommendations in this report were made by consensus by the members of the Working Group, unless noted otherwise, regarding Mauna a Wākea and how it should be managed going forward. Furthermore, while this report does not include legislation that reflects the recommendations of the Working Group, it is the intent of the Working Group that legislation be introduced in the 2022 Regular Session to reflect the recommendations made in this report. Additionally, it is not the intent of this Working Group to limit Native Hawaiian rights or cultural access to Mauna a Wākea. It is the hope of the Working Group that the new plan for Mauna a Wākea, as outlined in this report, will allow for the proper management of this spiritual, cultural, and environmentally sensitive wahi pana.

ORGANIZATION OF THIS REPORT

The remaining chapters of this report are organized as follows:

Chapter 2 provides a comprehensive background of Mauna a Wākea, including a cultural history of Mauna a Wākea; the creation of the Mauna Kea Working Group; and an overview of the process and methodology of the Working Group in developing its recommendations.

Chapter 3 outlines the recommendations of the Working Group for a new governance and management structure for Mauna a Wākea, including the values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

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Chapter 4 concludes the report by reflecting on the importance of this work and the recommendations of the Working Group.

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CHAPTER 2



Photography Credit: Ku'u lei Kanahele, Ph.D.

CHAPTER 2



Pahu wai, attracting and storing water; photos showing both the pristine nature and inherent hazards of being in that elevation.
Photography Credit: Ku'u'lei Kanahele, Ph.D.

Kua'ā Kānāwai - the edict of emergency, is a proclamation that dictates one's behavior in respect to natural phenomena and significant cultural sites. The history and cultural significance of an object or place informs one of the proper protocols and behavior needed upon approach. Thus, the Mauna a Wākea Working Group prioritized the preparation for productive debate, contemplation and conversation to align towards a unified purpose and generational commitment to accountable environmental kinship systems by learning about the Kumu Kānāwai.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of hot, steamy lands and their relationship to the ecosystems.

Kānāwai Ulu La'au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

BACKGROUND

HISTORICAL AND CULTURAL SIGNIFICANCE OF MAUNA A WĀKEA

A subcommittee focused on Hawaiian culture content and context provides further explanation of Kumu Kānāwai as a foundational set of guidelines and a framework for fundamentally shifting from continental modeled behaviors and value systems towards Island Consciousness: to think and live like an island.

These kānāwai are intended to guide and inform how the entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea. Conversely, the kānāwai should be applied to evaluate activities that may have adverse effects on the ecosystem. Furthermore, the kānāwai should be incorporated into policies, procedures and monitoring systems such as the review of lease renewals.

With comprehensive and consistent application of the kānāwai into the total governing and managing systems of Mauna a Wākea, the ‘āina and resident community will benefit from a strengthened reciprocal relationship. The following tenets are subprinciples to the main text and seek to describe the importance of Mauna a Wākea, which are deserving of the highest kapu. In addition, by reestablishing Kumu Kānāwai into the ethos of the Governing Entity, an increase in understanding and appreciation of Native Hawaiian history and cultural practices will be effectuated.

In summary, it is the intent of the Mauna a Wākea Working Group to adopt administrative rules enabling the Entity to ensure the protection of this vital ecosystem, in a timely manner and to actively encourage the participation of Native Hawaiians in this process.

NO KA HONUA, CONCERNING THE EARTH

Kānāwai Kuahiwi - the edict of the spine of the islands affects all areas that are designated kua or tops of the islands. This includes kuahiwi or high mountains that

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attract big clouds that gestate into rainfall. Kua provide the elemental activities that kanaka cannot reduplicate which are responsible for attracting all manner of mist, clouds, snow, water accented by names like Ka‘ohe. Other kuahiwi deter big winds and divide initial wind strength. Mokupuni or islands are made up of mauna or kuahiwi. Mokupuni are inseparable entities from the ocean floor to the crest of their summit.

Most kua summits exist at the ‘Āpapanu‘u spatial level or below the earth's atmosphere. The kua of Mauna Loa and Mauna a Wākea are in the ‘Āpapalani spatial level. ‘Āpapalani is the upper stratum of the earth's atmosphere; it is also a term used for chiefs of the highest order. It is where the gods dwell. Therefore, the mauna belongs to the atmosphere and not to the earth.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required; this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kupukupu - the edict of "little eyes" or ‘ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of germination; seasons for fledglings; season for calving as in whales. ‘Ōmaka is the beginning of regeneration.

Kānāwai Kūkeao - health of clouds; affected by pollution in atmosphere and privatization of water cycle - care must be given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

Kānāwai Ulu La‘au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of aquifers and their relationship to ocean health & reef ecosystems.

Kānāwai Pahukini - the edict of 4,000 chambers; concerning the care of aquifers, water tables, glaciers, snow caps, caves; recognition of all manner watersheds in all strata.

Kānāwai Kāmilohae and Kūha‘imoana - the edict of passage; ability for groundwater and underground water to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for health of island as fresh cool waters deter hurricanes from decimating islands.

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Elevated Hawaiian Practices for Mauna a Wākea are listed according to their importance as dictated by the Kānāwai and the mele oli Hānau Ka Mauna.

1. The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is "kapu"; therefore, prohibited for occupation. According to the mele oli the mauna has continued to grow until it was out of the earth's atmosphere, which gives it the privilege of "makahiapo keiki kapu". It also has the respect of the sun which rises each morning thus offering obeisance to the mauna. The sun is also a "keiki kapu". This is the highest kapu or prohibition owing Mauna a Wākea.
2. The gathering of water is the function of Mauna a Wākea. All water forms listed in the above kānāwai (s) are localized at different levels of the mauna. Water flows over land to Hāmākua, Hilo, and Puna and through the subterranean channels to fill the underground aquifers of the island. The pahuwai of Ka'ōhe fills the large ponds of Hilo and Puna with fresh water. The cold ocean of Hilo and Puna indicates freshwater seepage out to the ocean to refresh the reef system and the growth of limu.
3. The cloud system feeds the forest of Hāmākua, Hilo, and Puna; therefore, the water cycle between forest and atmosphere is healthy. Maintaining the continuous growth of forest trees is the reciprocity we can offer as kanaka for a continuous and healthy water cycle. Maintaining, encouraging and restoring the growth of large forests is our kuleana as kanaka for the health of this island.
4. Application of "'ohana" or environmental kinship includes genealogical connections to fire names or Pelehonuamea, the ocean or Kanaloa, the moon or Hina, the sun or Kāne, the mauna or Wākea and Papa, and the forest trees or Kū and Laka. We inherit names such as Likolehua, Mauna a Wākea, Moananui, Kalāho'ohie, Nāhuihui a Makali'i, Ahi'enaopuna, Noe, Mahina, etc. This provides the privilege of owning the element and studying its makeup, developing a personality and becoming a part of the environment and therefore the protest for the mauna displays the need to protect 'ohana.

CHAPTER 2

HOUSE RESOLUTION 33

The Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, prepared for the Department of Land and Natural Resources by Ku'iwalu and published in December 2020, concluded that while the University of Hawai'i has effectively implemented most of the management actions related to protecting the natural and cultural resources on Mauna a Wākea, the management actions designed to respect the Hawaiian cultural practices and resources and conduct education and outreach that were intended to restore trust between the University of Hawai'i and the Native Hawaiian community have not been effectively implemented. The report also found that the lack of genuine consultation with the Native Hawaiian community has resulted in greater mistrust of the University of Hawai'i and management of Mauna a Wākea, leading to polarizing viewpoints between various stakeholders on Mauna a Wākea and local communities.

As a result, on March 4, 2021, the Hawaii House of Representatives adopted House Resolution No. 33, H.D. 1, (Regular Session of 2021), to reconcile this mismanagement, mistrust, and polarization by convening the Working Group to develop recommendations, building on the findings of the Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community. The fifteen-member Working Group was further tasked with submitting a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than December 31, 2021.

The Working Group consisted of the following membership:

1. One member to be appointed by the Speaker of the House of Representatives to serve as the Chairperson of the Working Group to facilitate the group to develop a consensus;
2. Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives;
3. Seven members who are Native Hawaiian to be nominated by Native Hawaiian groups, organizations, or communities and appointed by the Speaker of the House of Representatives;
4. One representative from the Office of Hawaiian Affairs;
5. One representative from the Board of Land and Natural Resources;

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6. One representative from the University of Hawai'i Board of Regents; and
7. One representative from the Mauna Kea Observatories.

As noted by Speaker of the House of Representatives Scott K. Saiki, since the management of Mauna a Wākea has long been an area of contention between various stakeholders and communities and continues to be one of the top issues that the State needs to resolve, the composition of the initial Working Group included eleven members who are Native Hawaiian and eleven members who reside on Hawaii Island. The members of the Working Group are:

- Representative Mark Nakashima, Chair, House of Representatives
- Representative Ty J.K. Cullen, House of Representatives
- Representative Stacelynn K.M. Eli, House of Representatives
- Representative David A. Tarnas, House of Representatives
- Ms. Jocelyn Leialoha M. Doane, Native Hawaiian Community Representative
- Dr. Lui Hokoana, Native Hawaiian Community Representative
- Dr. Bonnie Irwin, Chancellor, University of Hawai'i at Hilo
- Dr. Pualani Kanaka'ole Kanahale, Native Hawaiian Community Representative
- Mr. Joshua Lanakila Mangauil, Native Hawaiian Community Representative
- Mr. Robert K. Masuda, First Deputy, Board of Land and Natural Resources
- Mr. Rich Matsuda, Interim Chief of Operations, W.M. Keck Observatory
- Ms. Brialyn Onodera, Native Hawaiian Community Representative
- Mr. Shane Palacat-Nelsen, Native Hawaiian Community Representative
- Mr. Sterling Wong, Office of Hawaiian Affairs*
- Dr. Noe Noe Wong-Wilson, Native Hawaiian Community Representative
- Mr. Wayne Tanaka, Office of Hawaiian Affairs*
- Dr. Sylvia Hussey, Office of Hawaiian Affairs*

(*These individuals served partial-terms on the Working Group as the Office of Hawaiian Affairs representative and did not serve concurrently.)

CHAPTER 2

PROCESS AND METHODOLOGY OF THE WORKING GROUP

Although the formation of the Working Group brought together a group of individuals with varying opinions and diverse experiences, the Group consisted of people who all shared a deep connection to and appreciation for Mauna a Wākea. The Working Group's goal was to submit a report to the Legislature by December 31, 2021, that included recommendations for a new governance and management structure for Mauna a Wākea. The Legislature would then hold public hearings on legislation based on these recommendations to create laws needed to enact an effective governance and management structure for Mauna a Wākea.

The Working Group convened via videoconference beginning on July 1, 2021, with meetings initially scheduled on the second and fourth Wednesdays of each month. However, beginning in September, meetings were scheduled weekly, including two in-person meetings at the University of Hawai'i at Hilo, at the 'Imiloa Astronomy Center and Ka Haka 'Ula o Ke'elikōlani, respectively. Ms. Mahina Paishon-Duarte and Mr. Sterling Wong were also invited to the meetings to provide assistance as facilitators to aid the Working Group in its discussions.¹

During the initial meetings, members gained a comprehensive understanding of Mauna a Wākea from the Native Hawaiian perspective, including the sacredness of Mauna a Wākea and its connection to Native Hawaiians. As the discussions turned to what the members envisioned for the future of Mauna a Wākea and its management, setting a Native Hawaiian cultural foundation became a priority for the Working Group, with the development of additional action steps to devise its recommendation for a new governing entity.

To help reach their goals and better guide decision-making, the members of the Working Group established the following unifying purpose statement and guiding value and principles:

"We recognize that Native Hawaiians have an inseparable environmental kinship with 'āina. Therefore, the health and integrity of Maunakea is paramount. Our purpose is to establish a collaborative and holistic management framework for Maunakea that is grounded in Kānāwai and the laws of nature; prioritizes Native Hawaiian voices; contributes to environmental and social justice; and is sensitive to diverse perspectives."

¹ Mr. Wong volunteered to serve as a facilitator after leaving the Working Group. He was initially appointed as the representative from the Office of Hawaiian Affairs.

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To provide a better understanding of Mauna a Wākea and other working models for management and governance, the Working Group participated in several presentations on various topics, including cultural perspectives relating to Mauna a Wākea, the Kaho‘olawe Island Reserve, water systems, role of astronomy and the University of Hawai‘i on Mauna a Wākea, Papahānaumokuākea Marine National Monument, and Native Hawaiian concepts of environmental kinship. These presentations were informative and provided the members with opportunities to ask key questions. Additionally, the Working Group looked at several maps of Mauna a Wākea that highlighted specific features and data sets to assist with its decision-making process (see Appendix D).

A myriad of issues were discussed and considered by the Working Group at its meetings, including but not limited to water resources, stakeholders and right holders, ceded lands and public land trust lands, and the astronomical significance of Mauna a Wākea to name a few. However, due to the scope of the task of the Working Group and relatively limited timeframe, two subgroups were established – the Native Hawaiian Culture Subgroup and Astronomy Subgroup – to meet outside of regularly scheduled Working Group meetings to discuss issues related to their respective topics. The subgroups later shared their findings with the entire Working Group. Additionally, to assist with the decision-making and writing of this report, two writing groups were established – the Governance Writing Group and Access and Use Writing Group – that met outside of regularly scheduled Working Group meetings to develop ideas related to their respective topic to bring back to the Working Group for decision-making. Through robust discussions in the respective writing groups, key issues were prioritized for the discussion by the entire Working Group.

Decisions by the Working Group for its recommendations in this report were made by consensus by the call of the Chairperson of the Working Group. If consensus could not be reached, agreement could be made by a two-thirds majority of the members with indication of the minority voice in this report.

To ensure transparency and public input, updates on the Working Group's efforts were posted on the Working Group's website (see Appendix B) and members of the public were welcome to submit comments by email to maunakeawg@capitol.hawaii.gov. Additionally, the first draft of this report was posted online for public comment (see Appendix C).

CHAPTER 3

Kai'okia Kānāwai, the edict of boundaries, delineates the organizational structure and stewardship of land and society. The recommendations outlined in this chapter pertain largely to the management of human activity and to the drawing of new management boundaries that better enable an integrated and attuned whole systems approach to daily and seasonal management. In following Kai'okia Kānāwai, the entity will aspire to regularly review designated access and use areas and activities and will assess direct and cumulative impact to Mauna a Wākea.



A photo of Smithsonian Submillimeter Array at Poli'ahu, to show human access and use of the conservation district. Photography Credit: Ku'u'lei Kanahale, Ph.D.

CHAPTER 3

A NEW GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA A WĀKEA

This chapter outlines the recommendations of the Working Group for the new governance and management structure (Governing Entity) for Mauna a Wākea. It is the intent of the Working Group that legislation will be introduced by the Legislature that establishes a Governing Entity with the following values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

VALUES AND GUIDING PRINCIPLES

The Working Group recognized the importance that the Governing Entity for Mauna a Wākea be grounded in Native Hawaiian values and guiding principles, specifically the Kumu Kānāwai, or the Native Hawaiian concept of environmental kinship. This prioritization of environmental stewardship and cultural recognition ensures the necessary guidance for the Governing Entity in its decision-making and management processes and functions. Therefore, the Working Group recommends the following guiding operational values and principles for the Governing Entity:

Mauna Aloha: We understand the reciprocal value of the mauna and our long-term commitment to maintaining the integrity of Maunakea.

‘Ōpū Kupuna: We understand and embrace our duty and accountability to Maunakea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna.

Holomua ‘Oi Kelakela: We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards without jeopardizing our foundation of ‘āina aloha.

CHAPTER 3

JURISDICTION

Due to the many stakeholders and complexity of topography on Mauna a Wākea, the Working Group thoroughly discussed the management area for the Governing Entity. The issue of ensuring that the management area was appropriately manageable by a single entity was discussed and taken into consideration by the Working Group, as an area too large would present resource and other logistical challenges. Also, the Working Group considered how the Governing Entity would work with other landowners on Mauna a Wākea so that there was open communication about its management goals and policies. Therefore, the Working Group recommends the following jurisdiction and associated responsibilities for the Governing Entity:

The jurisdiction area for the Governing Entity shall be state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea, in order to care for Mauna a Wākea through an integrated, whole systems approach. Additionally, for lands outside of its jurisdiction, the Governing Entity shall enter into cooperative management agreements with the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area.

ORGANIZATIONAL STRUCTURE

To establish the organizational structure of the Governing Entity, the Working Group first identified and discussed key stakeholders, state constitutionally-recognized right holders, right holders with property interests, and Native Hawaiian cultural practitioners. Once these individuals and entities were recognized, the Working Group determined an organizational structure for the Governing Entity that best represented these individuals and entities. However, the Working Group could not reach consensus on whether to include an astronomy representative on the board. While some members of the Working Group recognized the contributions such a member could bring to the board, other members shared concerns about potential conflicts of interest and preferred that representatives from the astronomy community serve the Governing Entity in an advisory capacity. Consideration was also given to include representation on the board from the Department of Hawaiian Home Lands, County of Hawaii, and private landowners whose lands are within the jurisdiction area. However, it was determined that the Governing Entity should instead seek out cooperative agreements with those entities for cooperative and coordinated management of Mauna a Wākea. Still, while not all of the organizational details could be outlined by the Working Group,

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many of the major structural concepts were discussed and agreed upon. Therefore, the Working Group recommends the following organizational structure for the Governing Entity:

The Governing Entity shall be attached to the Office of the Chairperson of the Board of Land and Natural Resources for administrative purposes.² Decision-making for the Governing Entity shall be made by a nine-member board, of which seven seats shall be appointed and two seats shall be held by ex-officio members, with the board selecting a Chair from among its non-ex-officio members; provided that the Chair shall not be the Executive Director of the Governing Entity. Additionally, of the nine members, four of the seven non-ex-officio board members shall be Native Hawaiian Hawaii Island residents, with a preference for Native Hawaiian Hawaii Island residents for all seven non-ex-officio board seats.

In nominating its three respective board seats, the Office of Hawaiian Affairs shall develop a list of candidates for consideration by the Governor. In developing a list of nominees, the Office of Hawaiian Affairs shall seek input from the Native Hawaiian community and work in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College, using the existing selection process used for Island Burial Council candidates as a model. The Office of Hawaiian Affairs, in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College, shall submit six names for the three Native Hawaiian Cultural Practitioner seats to the Governor for consideration.

In nominating its four respective board seats, the nominating committee shall develop a list of candidates for consideration by the Governor. Each list for a vacant board seat shall contain three names, and all nominees whose names are submitted to the Governor for selection shall be made public at the time of submission.

The nominating committee shall be comprised of individuals named and appointed by each of the following: the Speaker of the House of Representatives, Senate President, and Chief Executive Officer of the Office of Hawaiian Affairs, with consideration given to Hawaii Island residents.

The Governing Entity shall review and may revise the nominating process every three years.

The nine-member board shall include the following:

² Dr. Hussey abstained from this recommendation.

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- (1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee (ex-officio member);
- (2) The Chief Executive Officer of the Office of Hawaiian Affairs, or the Chief Executive Officer's designee (ex-officio member);³
- (3) A current resident of Hawai'i Island with 'āina resource management expertise and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (4) A current resident of Hawai'i Island with infrastructure and land management experience and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (5) An individual with educational expertise in P-12 public education; community, culture, and Hawaiian language medium-based education; or post-secondary education, nominated by the nominating committee;
- (6) An individual with business and finance experience, nominated by the nominating committee; and
- (7) Three Native Hawaiian Cultural Practitioners nominated by the Office of Hawaiian Affairs, in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College.

All members of the board, except for the Chairperson of the Board of Land and Natural Resources and Chief Executive Officer of the Office of Hawaiian Affairs, shall be appointed by the Governor pursuant to section 26-34, Hawaii Revised Statutes.

The board shall appoint an Executive Director who shall serve as Chief Executive Officer. Additionally, the Governing Entity shall determine its administration organizational structure and expertise needs, including but not limited to employing rangers to serve as education, general safety, and outreach resources; and shall establish its offices on Hawai'i Island.

³ Dr. Hussey recused herself from voting on this recommendation.

CHAPTER 3

POWERS AND DUTIES

The Working Group recognized that the scope of managing an area of such important cultural significance and geographic size presents many challenges. Additionally, because Mauna a Wākea is the kuahiwi, or backbone, of Hawai‘i Island in a structural, physical, and spiritual sense, the Governing Entity should work toward decreasing the human footprint of all users and visitors of Mauna a Wākea. Therefore, the Working Group recommends the following powers and duties for the Governing Entity to ensure that it can uphold the responsibilities of managing Mauna a Wākea:

The Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea (See JURISDICTION). The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai‘i.⁴ Furthermore, the Governing Entity shall protect Native Hawaiian rights.

The Governing Entity shall have land disposition authority for its lands with similar land disposition processes and lease terms that are consistent with chapter 171, Hawaii Revised Statutes. The Governing Entity shall also provide a specific process that ensures transparency, analysis, and justification for lease terms and shall be prohibited from selling, gifting, transferring, or exchanging its land.

To assure that the Governing Entity has adequate time to establish itself, the Governing Entity shall have a transition period of three years to assume management of Mauna a Wākea lands.

Furthermore, the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the State's energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values.

⁴ This language mirrors §6K-9, Hawaii Revised Statutes, related to the Kaho‘olawe Island Reserve Commission.

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The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state.⁵

To ensure community input and engagement, the Governing Entity shall engage in community dialogue, outreach, engagement, and consultation processes, as appropriate, on significant matters not less than on an annual basis and more frequently, as needed.

To maximize transparency, the Governing Entity shall be subject to administrative procedure pursuant to chapter 91, Hawaii Revised Statutes; Sunshine Law, pursuant to chapter 92, Hawaii Revised Statutes; the State Procurement Code, pursuant to chapter 103D, Hawaii Revised Statutes; and chapters 183, 205, 205A, and 343, Hawaii Revised Statutes.

To ensure accountability, the Governing Entity shall submit an annual report to the Legislature at least twenty days prior to the convening of each Regular Session. The report shall include a review of the entity's management actions; review of the implementation of all legislatively required plans, including financial and management plans; review of the impacts of human uses on the natural and cultural resources of Mauna a Wākea; assessment of cumulative impacts to Mauna a Wākea; and review of all community dialogue, outreach, engagement, and consultation.

To address enforcement issues and responsibilities, the Governing Entity shall work with the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement and Hawai'i County Police enforcement structure to enforce rules and monitor public safety through cooperative agreement. Additionally, the Governing Entity shall create operational procedures that are guided by the Kumu Kānāwai and implemented by enforcement partners.

⁵ The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawaii's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members.

CHAPTER 3

ACCESS AND USE PRIORITIES

Due to Mauna a Wākea's significance, the Working Group took a comprehensive approach in determining the existing uses of Mauna a Wākea, including Native Hawaiian practices, astronomical and other scientific research, tourism, resource gathering, conservation, and recreation. The Working Group determined that prioritizing these uses and better managing access to Mauna a Wākea would assist the Governing Entity in meeting its responsibilities and management priorities. Therefore, the Working Group recommends the following access and use priorities for the Governing Entity:

The Governing Entity shall establish a management framework guided by the Kumu Kānāwai to manage access, stewardship, education, research, permitted uses for frequent and seasonal users, and overall operations. The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use".

The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance.⁶ Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time.

The Governing Entity shall ensure that, as a condition of any lease, an observatory shall plan for and finance its decommissioning process on Mauna a Wākea and return and restore the impacted areas, to the greatest extent possible, to their pre-construction condition. Additionally, the Governing Entity shall determine what site restoration shall be based on, including but not limited to the protection of the natural and cultural resources of Mauna a Wākea and in accordance with the Kumu Kānāwai, and develop a process to enforce lease requirements compliance, such as establishing fines. Additionally, the Governing Entity shall establish a trust fund, special fund, or other funding mechanism designated for decommissioning costs that the observatories shall be required to contribute toward as a condition of their leases.

To further reinforce the management principles for Mauna a Wākea, the Governing Entity shall require all people accessing Maunakea to undergo an annual orientation anchored by the Kumu Kānāwai and require all employees, contractors,

⁶ Ms. Doane noted for the record that bona fide practitioners should not be unduly burdened from exercising their constitutionally protected Native Hawaiian practices and, when setting up its access processes, the Governing Entity should consider what process should specifically apply for constitutionally protected practitioners.

CHAPTER 3

leaseholders, and others who regularly access Mauna a Wākea to have more extensive and frequent training on the Kumu Kānāwai.

As a way to capture information about users, establish an education outreach post, collect fees, and close access to Mauna a Wākea in case of an emergency, the Governing Entity shall determine an appropriate site for an entryway to Mauna a Wākea.

FUNDS AND FINANCIAL SUPPORT

The Working Group recognized that financing the operations of the Governing Entity would be critical in ensuring the perpetuity of Mauna a Wākea. Several funding mechanisms were presented by the members of the Working Group with the intent of ensuring that the Governing Entity had authority to secure funding from a variety of sources. Therefore, the Working Group recommends the following financing for the Governing Entity:

To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding.

To help establish the Governing Entity, general funds should be allocated by the Legislature for at least the first five years. Special funds shall also be used to provide financial support for the Governing Entity.

CHAPTER 4



Photography Credit: Ku'u lei Kanahale, Ph.D.

CLOSING

REFLECTION

Kīho‘iho‘i Kānāwai, the edict of regeneration, is a necessary component of all living systems to heal and grow. This can be physical or spiritual. With this in mind, the existing management structures may be viewed as a microcosm of ‘āina that is in need of care, a time for fallow and for regeneration. To this end, the chasm that exists between ‘āina and people will persist, without careful attention towards the human governance and management systems that have the power and authority to serve Mauna a Wākea for the sake of its own health and vitality. Indeed, Mauna a Wākea is a cherished ancestor, to be cared for and protected for all generations.

Kānāwai Kupukupu - the edict of "little eyes" or ‘ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of

CHAPTER 4

germination; seasons for fledglings; season for whale calving. ‘Ōmaka is the beginning of regenerations.

Kānāwai Kūkeao - health of clouds; pollution in atmosphere and privatization of water cycle-care given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

DRAFT

APPENDIX D

APPENDICES

(House Resolution 33 to be attached)

DRAFT

APPENDIX D

APPENDICES

(Summaries of Working Group meetings from website to be attached)

DRAFT

(Public comments on first draft of report to be attached)

DRAFT

(Maps to be attached)⁷

DRAFT

⁷ Two maps will be included in the final version of the report: a map of the 6,500 foot elevation jurisdiction on Mauna a Wākea that includes Pu‘uhuluhulu with ahupua‘a names and waterways, but no land ownership boundaries; and a map of the 6,500 foot elevation jurisdiction on Mauna a Wākea that includes Pu‘uhuluhulu with land ownership boundaries.

APPENDIX D

From: cynthiaevans@aol.com
To: [Mauna Kea Working Group](#)
Subject: comments on draft report
Date: Wednesday, December 22, 2021 3:43:06 AM
Attachments: [workinggroup.pdf](#)

Happy New Year! Be safe, Be well.

Regards,

Cindy Evans

cell 808-345-5810

APPENDIX D

Comments On Draft Report submitted by Cindy Evans 12/22/25

Page 1 of 2

The report of the Working Group is well written but there are a few comments which I found confusing. Mahalo for considering my reaction to the following. For your reference I include the quote from the report followed by my statement.

1. “The Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea (See JURISDICTION). The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai’i.”

Is this the first proposed legislation and reference to transferring management and control of these designated state owned lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai’i? Is there any Act or regulation that currently exists that transfers any public lands held as part of the public land trust to a sovereign Native Hawaiian entity? I think it is important for public transparency to understand the significance of this recommendation.

2. “Furthermore, the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the State’s energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values. The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state.”

The statement on climate change concerns me in its application. At the end of the report under the section In Closing there is discussion about cloud seeding. I think cloud seeding is beyond the management statement in the first sentence.

The statement about plan to return the mauna above 9,200 feet elevation to its natural state should address how the plan will develop a framework to limit astronomy development below 9,200 feet elevation while pursuing decommissioning of astronomy above 9,200 feet elevation. It seems confusing to pursue development of astronomy while at the same time developing a plan to decommission above 9,200 feet elevation.

3 Footnote: “The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working

APPENDIX D

Comments On Draft Report submitted by Cindy Evans 12/22/25

Page 2 of 2

Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawaii's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members."

See my comments above under Number 2. How can you reach agreement when you are recommending return to natural state?

4. "Kānāwai Kūkeao - health of clouds; pollution in atmosphere and privatization of water cycle-care given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health."

I find this confusing since the new entity is focused on the land and its impact on the climate. I see how decisions on land use will consider any impacts to climate change, but the reference to cloud seeding seems out of place.

APPENDIX D

From: [Peter Wizinowich](#)
To: [Mauna Kea Working Group](#)
Cc: [Peter Wizinowich](#)
Subject: Public Comment on Draft Mauna Kea Working Group Report
Date: Wednesday, December 22, 2021 3:02:22 PM

Dear Mauna Kea Working Group,

From the perspective of someone who has spent 34 years living on the Big Island and working at Mauna Kea observatories I found the draft report very discouraging. I'm someone who is inspired by both the mission of understanding our Universe through the unique portal we have on Mauna Kea and by the mission to revive Hawaiian cultural values and share them with a world in need of reassessing mankind's relationship with our unique planet. I had hoped that the Working Group would have found more shared values and a forward vision that would benefit the health of both the Hawaiian and astronomical communities.

The Hawaiian community, like many other native communities, has endured much suffering as a result of the expansion of other cultures with much weaker connections to the health of the land. I can understand as a result the lack of trust and the desire to assume full Hawaiian control of Mauna Kea. My opinion however is that Mauna Kea is a strong center from which new relationships and models could be forged to reclaim native Hawaiian rights while providing allies and advocates to support educational and economic benefits for the Hawaiian community, and while benefiting and inspiring all mankind through continuing the journey to understand our place in the Universe. This is not the time in the history of the human population where we can afford to work separately or undervalue the contributions of others. "A new day on Mauna a Wākea" would be better served by a joint Hawaiian and Astronomical Renaissance rather than simply the reversal of control advocated in this report.

Before closing here are some specific changes to the report that I would advocate: (1) Add an expertise seat on the Board for astronomy. (2) Recognize in the report that there have been positive contributions from astronomy on Mauna Kea on both the local and international level. (3) Provide guidance or examples of how the astronomical community could be advocates and allies in providing responsible stewardship of the Mauna and Island, including addressing the broader needs of the Hawaiian community. (4) To the extent this is achievable by the Working Group provide more clarity on the timescale for the directive to develop "a plan to return the mauna above 9,200 feet elevation to its natural state" since this timescale will set the stage for the level of support from the concerned communities.

Mahalo a aloha,
Peter Wizinowich

APPENDIX D

From: [Laurie Barrett](#)
To: [Mauna Kea Working Group](#)
Subject: Working group recommendations
Date: Sunday, December 26, 2021 3:12:40 PM

Aloha all,

I greatly appreciate the work this group has undertaken.

I have some questions:

Regarding the members of the governing Board--What exactly is a Native Hawaii representative? Is there a genetic test? Must you reside on the Big Island?

What are the criteria to include or exclude representation?

Why was the industry of astronomy not included? Though you may feel there is a conflict of interest there is surely an astronomer that would provide non partial judgement. Every person in the United States has a right to a jury by their peers.

Was STEM education weighed as heavily as cultural beliefs? Did you ask the next generation ?

I do believe Mauna Kea has been mismanaged by University of Hawaii.

There is room for change.

But I also believe your recommendations are not scientifically based and preferential/biased.

I would appreciate any feedback.

Respectfully submitted,

Laurie Barrett

APPENDIX D

From: [Rob Tucker](#)
To: [Mauna Kea Working Group](#)
Subject: In support of TMT
Date: Sunday, December 26, 2021 11:40:37 AM

The installation of TMT on Mauna Kea is a test of the general intelligence of the State of Hawaii, it's political intelligence and the intelligence of it's citizens.

Move this forward without further delay.

Mahalo,

Rob Tucker
Pahoa, HI

APPENDIX D

From: [Marc Baril](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Maunakea working group draft report
Date: Monday, December 27, 2021 5:00:27 PM

I wish to submit my comments on the draft Manakea working group's report to the Hawai'i House of Representatives. I am an engineer who has been working at one of Maunakea's astronomical observatories since 2005. I speak for myself as a private citizen and I am not speaking on behalf of my organization.

I have several issues with this document; to summarize, it is an unworkable collection of assertions and assumptions specifically targeted at the removal of Astronomy from Maunakea.

The House is being asked to take at face value a number of "edicts" (to use the deplorable word of the document's drafters) of purported cultural origin, and a misrepresentation of OMKM's management effectiveness or lack thereof, that should guide any further activity on the mountain. At the same time, the actual real-life, material effect on the lives of those of us most affected by the State of Hawaii's policies concerning Maunakea is completely ignored in this document. This is not surprising as only one representative from the Observatories sat on the Working group panel, with one representative from the Board of Regents.

Peculiarly, the word "edict" appears several times in this document. An edict is a proclamation that has the force of law, and current use of the word implies imposition by a dictator or potentate. Cultural lore itself is not an edict, it is an opinion or belief. We often base laws on commonly held cultural opinions or beliefs, but it is important to recognize that even then, such views are not universally shared. The State of Hawaii has the responsibility of ensuring justice and well-being for all its citizens regardless of their ethnic or socio-economic background, and providing special protection of Hawaiian culture. The document's philosophically naive and farcical attempt at establishing sacrosanct laws governing the mauna read like medieval religious text.

I will make the claim, without imitation of proof, that the "edicts" outlined in this draft, which suggest that human occupation/activity on the summit of Maunakea is forbidden, ***is mostly contemporary and has been at minimum overemphasized and shamelessly propagandized worldwide by all means of dissemination, to provide justification for the removal of the observatories.*** By the nature of our guiding principles, the observatories are not in a position to issue counter-propaganda, we are sitting ducks in face of such an onslaught. We can only strive to teach the public about what we do by our limited means and garner support for our work over a long period of time. However, even there, our resources to do this are limited since our core mission is research; this emphasis is changing, but only slowly.

I do not contest that the loudest voices in the Hawaiian community would take the cultural assertions made in this document at face value, but the tone of the document implies that opposing viewpoints within the Hawaiian community are non-existent or at least irrelevant. This of course is not true. I fund such a group that opposes the cultural extrapolations made in this document that seek to malign the observatories, although I am not completely in alignment with their goals.

The material recommendations at the end of this document are few and vague, but the following statement caught my attention:

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p. 26: "The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use".

I am confused. On the one hand the religious manifesto that appears to make up the first part of the document clearly states that the highest kapu should be applied to the summit area, however the above recommendation backs off by stating that observatories are allowed?

So - what will it be? Should we let the Governing Entity decide this. I'd like to know so that I can start packing up my house if needed.

Equally frustrating is that yet again, astronomy is incorrectly conflated with commercial interests. I will instruct our legislators and the drafters, once again, that astronomy is mostly publicly funded basic research that has no interest or goal of turning a monetary profit. The endeavor of the Maunakea observatories is international and continues to uncover new insights into our universe; a benefit for all humanity. The demonstrable fact remains that Maunakea represents the very best site in the northern hemisphere to observe the sky; losing this site will have a major impact on astronomy for all nations involved. By ignoring this, the drafters of this document indeed embody what it is "to live and think like an island"; to use the opening words of Chapter 2, ...but in the worst way possible.

I ask our legislators; once all of the policies and systems to enforce and manage these are in place, how will this brave new Governing Entity look any different from OMKM? I seriously urge our legislators to challenge the assertion and assumption that OMKM is not already doing as good a job as they can with the meager resources that they have at hand. If structural or policy changes are needed, then so-be-it, but why this self-serving iconoclasm? What will this magically funded bureaucratic monstrosity a new Governing Entity will look like? I can already discern its inept form arising from this document's hazy guiding principles. Once all is said and done, the new Governing Entity will largely have the same day-to-day role as the OMKM and be faced by the same challenges of balancing differing access/use viewpoints.

Will all of the environmental/cultural management research already being done on the mountain be contracted to the University of Hawaii?

This work is currently being done by academic professionals who have made a career of understanding the mountain's environmental and cultural resources. What happens if/when the University of Hawaii is out of the picture? There is no mention in this report on how this arrangement would be preserved or even if UH plays a role.

I guess the tour operators are out of luck as well.

One would naturally assume that this is commercial activity? No worries, the Governing Entity will dictate this to us eventually. Again, a significant group of stakeholders are left only with deep existential questions after reading this document.

From my standpoint however, the most infuriating omission from this document is that the drafters have not suggested anywhere that the observatories have a major role to play in the Governing Entity. It is unquestionable that the observatories and their staff have the most to lose if the decades of time and money investment made in Hawaii are destroyed. For the staff, these are material, life-changing losses with no compensation expected for those affected.

APPENDIX D

What those in astronomy hesitate to state publicly, is that this destruction is already looming. Funding agencies are hesitant to fund significant further investment in Hawaii observatories in the midst of a political environment that is stacked against them.

In short, this document needs a complete rewrite. Start by establishing a working group that isn't stacked against the biggest stakeholder on the mountain, and lose the "edicts".

With best regards,

Marc Baril

APPENDIX D

From: [Brian Giles](#)
To: [Mauna Kea Working Group](#)
Subject: MAUNA Kea
Date: Monday, December 27, 2021 6:55:26 AM

This mountain, with the scientific efforts made at the uniquely accessible crest, is a lifetime educational experience for not only those who receive the benefits unknowingly but also for those who, huffing and puffing, come to really understand ATMOSPHERE. Wake up. Don't let wannabe all'i ruin it for everyone else.

APPENDIX D

From: [Clifton Hasegawa](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Ronald D. Kouchi](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Roz Baker](#); [Sen. Lynn DeCoite](#); [Rep. Scott Saiki](#); [Rep. Kyle Yamashita](#); [Rep. Troy Hashimoto](#); [Rep. Justin Woodson](#); [Rep. Angus McKelvey](#); [Rep. Tina Wildberger](#); [TrusteeHuluLindsey@oha.org](#); [TrusteeAhulsa@oha.org](#); [TrusteeAhuna@oha.org](#); [TrusteeAkaka@oha.org](#); [TrusteeAkina@oha.org](#); [TrusteeAlapa@oha.org](#); [TrusteeLee@oha.org](#); [TrusteeKeolaLindsey@oha.org](#); [TrusteeWaihee@oha.org](#); [director@mauinow.com](#); [editor@mauinow.com](#); [wendy@mauinow.com](#); [cminford@mauinews.com](#); [cuechi@mauinews.com](#); [cblair@civilbeat.org](#)
Subject: Mauna Kea Working Group Draft Report – December 17, 2021 - Addendum
Date: Monday, December 27, 2021 6:33:50 AM

Dear Members of the Mauna Kea Management Working Group,

In my previous email correspondence submitted for your consideration was the removal of the University of Hawaii (UH), Institute for Astronomy (IfA), AND the Department of Land and Natural Resources (DLNR) from participation in the new Governing Entity. Inter- and transdisciplinary cooperation on sustainable land management and the Legislative Intent expressed in House Resolution No. 33, H.D.1 reinforces this approach.

“Land management covers the debate about norms and visions driving the policy-making, sector-based planning both in the strategic and more operative time spans, spatial integration of sectoral issues, decision-making, budgeting, implementation of plans and decisions and the monitoring of results and evaluation of impacts.”

Source: “Sustainable land management” Published in Science

Daily https://www.sciencedaily.com/terms/sustainable_land_management.htm

Removal of the University of Hawaii (UH), Institute for Astronomy (IfA), and the Department of Land and Natural Resources (DLNR) from participation in the new Governing Entity should in no way impact on resourcing the University of Hawaii and the University of Hawaii Hilo in pursuit of astronomical research. The IfA is a contributing partner in the James Webb Space Telescope (JWST) along with NASA, the European Space Agency (ESA), the Canadian Space Agency (CSA) and other academic and Industry Partners.

“Thousands of scientists, engineers, and technicians from 14 countries, 29 U.S. states, and Washington, D.C. contributed to design, build, test, integrate, launch, and operate Webb.”

<https://www.jwst.nasa.gov/content/meetTheTeam/team.html#fullTextListingOfContributors>

“Sixteen near-infrared (NIR) sensors known as HAWAII-2RGs are part of JWST’s science instruments, enabling it to capture near-infrared light from deep space, far surpassing the capability of NASA’s Hubble Space Telescope. These sensors are the culmination of years of research and development by IfA scientists and engineers. Early prototypes were developed and tested by UH astronomers Don Hall, Klaus Hodapp, and Doug Simons, along with IfA instrumentation engineer Shane Jacobson.”

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“Ground-breaking UH-designed sensors aboard NASA’s historic space telescope

UH News, December 20, 2021

<https://www.hawaii.edu/news/2021/12/20/uh-designed-sensors-aboard-historic-space-telescope/>

SPACE TELESCOPE LAUNCHED ON DARING QUEST TO BEHOLD 1ST STARS

By Marcia Dunn, Associated Press, December 25, 2021

<https://apnews.com/article/space-launches-science-business-galaxies-south-america-62f824158feb33fa1dd437fc0ed5b33>

The world’s largest and most powerful space telescope rocketed away Saturday on a high-stakes quest to behold light from the first stars and galaxies and scour the universe for hints of life.

NASA’s James Webb Space Telescope soared from French Guiana on South America’s northeastern coast, riding a European Ariane rocket into the Christmas morning sky.

“What an amazing Christmas present,” said Thomas Zurbuchen, NASA’s science mission chief.

The \$10 billion observatory hurtled toward its destination 1 million miles (1.6 million kilometers) away, or more than four times beyond the moon. It will take a month to get there and another five months before its infrared eyes are ready to start scanning the cosmos.

IFA – UNIVERSITY OF HAWAII AT MĀNOA

The Institute for Astronomy (IfA) was founded at the University of Hawaii (UH) in 1967 to manage the Haleakalā Observatories on Maui and the Mauna Kea Observatories on the Big Island, and to carry out its own program of fundamental research into the stars, planets, and galaxies that make up our Universe. One of eleven research institutes within the University of Hawaii, it has a total staff of over 300, including about 55 faculty. Most staff are based at our IfA-Mānoa building, located in the city of Honolulu on the island of Oahu. Some are located on the neighbor islands, at our IfA-Hilo and IfA-Maui buildings. The Institute has an annual budget of \$20 million, including \$15 million in grants from the federal government.

Our goals are to

APPENDIX D

1. Explore the origin and nature of the Universe, and of the galaxies, stars, planets, and other matter that it contains.
 2. Develop new technologies for use in ground-based and space-based observatories.
 3. Spread the understanding of astronomy through our graduate program, through undergraduate courses, and through public education.
-

Thank you very much for the opportunity to share my thoughts with your committee.

V/R

- Electronically Signed -

Clifton M Hasegawa

President & CEO

Clifton M. Hasegawa & Associates LLC

1322 Lower Main Street A5

Wailuku, Hawaii 96793

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LinkedIn: <https://www.linkedin.com/in/cliftonhasegawa>

Administrator Citizens for Openness in Government

APPENDIX D

From: flyg@aloha.net
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea
Date: Monday, December 27, 2021 4:52:04 AM

King Kalakaua, who was very pro science, will be rotating in his grave after hearing about this decision to abandon science in favor of a return to the Middle Ages,

Bo-Göran Lundkvist

Leilani Estates, Big Island

APPENDIX D

From: [Kimberley Cyr](#)
To: [Mauna Kea Working Group](#)
Subject: Response to the Mauna Kea Working Group's Draft Report
Date: Tuesday, December 28, 2021 6:12:27 AM

To the Working Group:

Astronomy, a deep knowledge of the inquisitive and inventive Hawaiian navigators, is a centuries-old and essential element of Hawaiian culture and history. That culture is elevated to worldwide attention and status by the active telescopes and proposed larger telescope, connecting the ancient navigators to the cutting-edge of astronomy. It is a depressing thought that one of the ancient Hawaiians' most revered fields of study should be discarded in favor of some sort of power coup by wresting the telescopes from the mauna. The result will bring nothing to the island. The University of Hawaii will lose professors, students, funding, respect and status. Tourists will always be going up the mountain to see the stars, regardless of any edicts. Where are the proposals for managing that continually growing flow? Where is the vision for the future of the island?

I cannot help but note the hypocrisy in the discussion about the sacred status of Mauna Kea — anyone who has driven the Saddle Road is met with the remains of the occupation encampment, a foul desecration of the mauna, an insult to the alleged purpose to “protect the sacred mauna.”

The Kingdom of Hawaii, so often referenced as a point of pride, existed for less than a century. Kamehameha united the islands in 1795 with the force of European weapons and the help of westerners. The exaggerated reverence to this copy of European monarchies forced from power in 1895, while a very significant period of history, is unmerited. The series of monarchs had their share of corruption and greed, as well as their moments of benevolence and insight, much as any political power today. Yet Native Hawaiians would cling to this bit of history and claim it is still in power. Which of you will be King? And what will that bring to the island, to the people? What is lost in the proposed scenario for Mauna Kea is surely far greater. Islanders live in the reality of the present day, in a democracy. Let us embrace the values of the ancient Hawaiian culture and elevate their accomplishments by building upon them to bring pride to all citizens of Hawai'i. On that note, I have no objections to correcting the name of the mountain.

Citizens respect the native Hawaiian history that goes back centuries before Kamehameha, but it is clear the current dominant voices seek only power, at any cost, and it has come to this: a weak and purposeless proposal that benefits no one and tosses the accomplishments of ancient Hawaiians into the sea, permanently diminishing their cultural importance. Having chosen the wrong battle, you would figuratively blot out the stars from the skies of Hawai'i.

I send you harsh words, but also a call to be more forward thinking and more democratic. I hope you will take time to reflect upon this message before taking ill-considered revisionist actions.

Kimberley Brickey Cyr
13-3436 Moku Street
Pahoa, HI 96778

APPENDIX D

From: [DONALD ELDER](#)
To: [Mauna Kea Working Group](#)
Date: Tuesday, December 28, 2021 7:24:30 AM

I find it ironic that increased understanding of the very navigational keys to native discovery of these islands is considered anti-native! I should think that the ocean voyaging Polynesians would be honored that their new home was of such value to this pursuit of knowledge. Astronomical knowledge is necessary to managing astronomical tools, and this knowledge is chiefly found in academia. Minimizing environmental impact is understandable and desirable, but reducing the mountaintop to a barren state achieves little, culturally or otherwise.

Don Elder

APPENDIX D

From: [Bonnie Bee](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group presentation: their report to the 2022 Hawaii Legislature
Date: Wednesday, December 29, 2021 11:21:42 AM

PO Box 30848
Anahola, Kaua'i Hawai'i 96703-0848

29 December 2021

To Whom it May Concern,

ALOHA !!!!!

We appreciate the ability to offer comment to the Mauna Kea Working Group in their efforts of a new plan to honor Mauna Wākea and return Mauna Kea to her to her natural state

Mauna Kea: Apex of Spirituality, culturally and traditional : Wahi Pana

Eō Eō Eō Eō Eō

Our beliefs:

-

No TMT on Mauna Kea

-

No to the University of Hawaii having a seat in the proposed new governing board of Mauna Kea

- No

University of Hawaii management of the summit Mauna Kea...

In all Righteousness - proof of the mismanagement by the University of Hawaii for the last nearly fifty-five years -

Ought be enough evidence to immediately remove the University of Hawaii from any 'management position' of sacred Mauna Kea.

-

The University of Hawaii must immediately clean up ALL the contamination and tons of rubbish that which the University of Hawaii sanctioned under its guise of 'management' - the height of malefaction - hewa

In conclusion, the ill conceived proposal of the TMT would be rendered obsolete as the "Pathways to Discovery in Astronomy and Astrophysics for the 2020's" the 614-page report authored by the National Science Foundation states:

" ... the report tabbed as it's top space priority an \$11-billion next-generation space telescope ...

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"

MAHALO Loa ~ Visualizations ~ RIGHT ACTION

Hana Pololei ~ Mālama i ka nani `o Mauna Kea

Sincerely With ALOHA,

Bonnie P. Bator and `Ohana
(Keana`aina, Keli`ikoa, Kai`aokamalie and Kai)

P.S. "We have said no, and continue to say no. And no means no" - Kealoha Pisciotta

We align ourselves with Kealoha's statement

NO to TMT

Uphold the Majesty - The Spiritual Essence of sacred Mauna Kea - Wahi Pana

Eō !!!!!

P.S.S. Spend \$1 billion on Earthlings not TMT

APPENDIX D

From: [Andre Hassid](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: Comment on Mauna Kea Working Group
Date: Thursday, December 30, 2021 3:58:18 PM

It is hard to imagine that Hawaii would ban telescopes from Mauna a Wākea, the God of the Sky in Hawaiian culture. The very symbol of looking to the sky for the answers to the beginning of life would be used as a reason to snuff out the exploration of the beginning of all life in the Universe! That seems antithetical to Hawaiian culture, and a slight on the historical connection between Hawaii and the knowledge of the stars.

Are we to forget that telescopes were first brought to Hawaii by King Kalakaua who understood the deep connection between Hawaiian culture and the study of the stars? Are we to forget the Polynesian, Tupaia, the master navigator, who studied the stars and used them to help lead Captain Cook to various Pacific Islands, including New Zealand, that Cook is credited as “discovering?”

In 1960 a tsunami devastated Hilo and the Island of Hawaii’s economy. Community efforts pushed for government support of astronomy on our Island to help revive the economy. The University of Hawaii commissioned a telescope on Mauna Kea in 1970. Other telescopes followed to revive the economy, including Subaru, Gemini, Keck I and Keck II. These world-famous telescopes provide construction, engineering, education, research and maintenance jobs on the Island of Hawaii. They also help attract and promote educators to fill our schools and educate our student community.

Who else, but the astronomy community, offers to invest hundreds of millions of dollars on the Island of Hawaii. Who else offers to help fund schools and the office of Hawaiian Affairs annually?

The telescopes should give a sense of pride to all Hawaiians as discovery after discovery is credited to Hawaii, and Hawaiian names are given to many discoveries. Ouamuamua (scout) is the name given the first object ever discovered that came from outside our solar system.

Hawaiian names (Ka’epaoka ‘awela and Kamo’oalewa) were recently given to newly discovered asteroids by Hawaiian immersion students.

Telescopes on Hawaii have discovered the earliest galaxies to form in the Universe. They have been used to measure the mass of the Black Hole in the center of our Milky Way galaxy. Additionally, Hawaiian telescopes have discovered many planets in far away solar systems.
in

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Kill the telescopes and you kill the academic future of Hawaii. University educators in the fields of physics and astronomy will leave Hawaii and go to more welcoming and supportive communities. Without astronomy on the Mauna, Hawaiian students inspired by the astronomy community will have no role models to follow this field.

No single group should have an exclusive seat at the table to determine the management of the Mauna. Mauna a Wākea is held in trust for all the people of Hawaii. The current plan excludes input by 80% of the people of Hawaii. This is not right. No is it wise. The use of the land on Mauna a Wākea should be multi-purpose: scientific, religious, recreational, hunting, environmental and other uses. The astronomy community has a prominent role to play in the present and in the future. With careful, common-sense planning, the various uses can be accomplished on Mauna a Wākea without interfering with cultural practices.

Mahalo,

--

Andre Hassid

APPENDIX D

From: [e mail](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group Draft Report
Date: Thursday, December 30, 2021 6:41:02 AM

Strongly disagree with this report. Not wise to do something so detrimental to our island and community.

APPENDIX D

From: [Ty Yun](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea Working Group Draft
Date: Thursday, December 30, 2021 10:30:27 AM

"What a frightening proposal that is. No telescopes on Mauna Kea?"

A very good friend of mine wrote the above when he first learned of the Mauna Kea Working Group draft. To me, that succinctly summarizes the feeling many of us have. The contributions that the telescopes on Mauna Kea have made to world-wide science, technology, engineering and math (STEM) should be a source of pride to all who live in Hawaii. Also, the economic impact they have had for the people of Hawaii Island as well as the entire state must be considerable.

Astronomy in general is undeniably rooted in Hawaiian culture and history. The telescopes of Mauna Kea are paying homage and form a connection to that culture and history. Why can we not share the mountain? I cannot think of a more appropriate endeavor than seeking knowledge and understanding of our universe while at the same time, maintaining the Hawaiian culture. It is time for those opposed to the telescopes to stop using them as an excuse in a fruitless attempt to turn back time.

Respectively,

Ty Yun

Kamuela, Hawaii

APPENDIX D

From: [Thomas Brennon](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Tmt objection.
Date: Friday, December 31, 2021 7:55:00 AM

I object to the use of Mauna Kea for more telescope s and the sitting of an Astronomer on the committee of

Sent from my iPhone

APPENDIX D

From: [maya burke](#)
To: [Mauna Kea Working Group](#)
Subject: In support of KAHEA board
Date: Friday, December 31, 2021 8:13:33 PM

I am writing in support of the organizers of the below comments - and urge you to sit with these sentiments and begin working closely with the KAHEA board as your central priority.

Indigenous Land Stewardship & Sovereignty must be respected! the world and our collapsing ecologies depend on it!

KAHEA board message:

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural

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resources.” Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: “The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is ‘kapu’; therefore, prohibited for occupation.” Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3.

Remove the Governor’s power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH’s dismal management record should not be a reason to repeat a wrong-headed approach directed at “resolving conflict”. Conflict isn’t the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a “Governing Entity,” comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the “sole authority” over management of “state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea.” *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust

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you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, "significant, substantial, and adverse harm" to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional k^ān^āwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,
KAHEA Board and Staff 2022

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Mutooro
Communications + Operations Organizer X Black Earth Farms
M.A. X Environmental Communications
B.A. X Comparative Studies in Race and Ethnicity

APPENDIX D

From: [Thayne Currie](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on draft Mauna Kea Working Group Report
Date: Friday, December 31, 2021 2:31:08 PM
Attachments: [mkwg_comments_jan4_tcurrie.pdf](#)

The attached document details my comments on the draft Report. While the report has some good ideas, there are many highly problematic and inappropriate components.

I believe that the proposed structure needs to be substantially revised before it could be considered a credible alternative to the current management structure.

Best wishes,
Thayne

--

Thayne Currie
Research Astrophysicist, NASA/Ames Research Center
Research Associate, NAOJ/Subaru Telescope
650 N. Aohoku Pl., Hilo, HI 96720
857 998 9771

<http://subarutelescope.org/staff/currie/>

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From: [C. Suz cb](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea Working Group Draft Report
Date: Friday, December 31, 2021 12:32:50 PM

Honorable Representatives:

I read the draft report and have the following observations and comments:

1. The report seems very one-sided to me. In an excerpt from the report in Chapter 3, it states that a goal is to "...set a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state." It seems clear that the goal of the Working Committee and subsequent Governing Body is to remove all of the telescopes. Returning the top of Mauna Kea to its former natural state is not reasonable or easily accomplished. Who will fund the removal process? Should all roads be removed in addition to all telescopes? Hiking trails too? When snow falls, will Hawaiians no longer be able to enjoy sledding with their families?
2. The composition of the governing body is not equitable to all stakeholders. It appears to me that the majority of the governing body will be Native Hawaiians with no representation from the astronomical community. Just as there are long standing important Hawaiian cultural considerations, the benefits of Astronomical exploration and discoveries are also very important. The Governing Body needs more Astronomical Stakeholder members. I'm sure there are many Native Hawaiians who also work for one of the telescope companies. Perhaps governing members can be vetted based on their knowledge of the importance of both Hawaiian culture and astronomy.
3. Perhaps the make-up of the individuals on the Working Committee also needs to be adjusted to reflect input from the astronomical community. There is one representative from Keck only.

I personally would like to see a Governing Body comprised of individuals with a "win-win" goal first and if not possible, then a great compromise. The art of compromise seems to have been lost in our Nation, and it is something that needs to be reinstated. Old and unnecessary telescopes may need to be removed but they don't all need to go. Changes may be needed to make the telescopes more environmentally friendly. If telescope companies are not following environmental rules set forth in their agreements then consequences to these behaviors need to be determined and enforced. I agree with providing education on Hawaiian traditions to those visiting Mauna Kea so that the mountain is treated with reverence and respect. Perhaps education on past astronomical discoveries and future scientific goals should also be provided to those visiting.

I'm sure there is a way to find middle ground on this important topic, and in my opinion what I'm reading in this current draft report won't allow that to happen.

Mahalo for allowing all Hawaiians to comment on this report.

Colette Curtis-Brown

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From: [Hope Fa-Kaji](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea Working Group's Draft Report (December 17, 2021)
Date: Friday, December 31, 2021 4:35:57 PM

To whom it may concern,

I wanted to comment on the draft report, as was relayed to me by KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization. I am a mechanical engineering graduate of Rice University with family in Hawaii.

First, I wanted to acknowledge and appreciate the thought and care that has clearly gone into this report. However, I have some questions.

1. Why is the governor the sole agent who can appoint most of the members of the governing entity? This feels like a fairly big oversight that empowers a single official to steer the course of the governing entity. The governor is elected at the state level, therefore not automatically sensitive to the needs of the particularities involved in the governance of Mauna Kea. The governor has his/her own set of priorities which can bias the choice of the members.

I understand that this is a practical move as much as anything else. However, this really narrows power down to one person and creates the potential for cherry-picking.

2. Are members of the governing entity paid? Especially for community members, it seems like their work should be compensated.

3. It feels incredibly ironic that the working group had to have divided subgroups for "Native Hawaiian Culture" and "Astronomy" interests. This feels like both a false dichotomy and a false equivalence. Astronomers are not an ethnic group with a historical claim to land. However, in this context, it is true that "astronomers" has come to be interpreted as white/Western scientists, instead of all the Native astronomers. This pits the traditions/cultural practices of a small people group against a global scientific field, which means that the global scientific field has a kind of philosophical advantage. I think it would be unwise to designate a seat on the governing entity for an astronomer. This assumes astronomers have some kind of claim to the land. And again, it reinforces the idea that astronomy and Native Hawaiians are opposed.

Finally, because your group was kind enough to include verses in this draft, I wanted to share some of mine.

"Whereas the Western nation is first of all an "opposite," for colonized peoples identity will be primarily "opposed to"-that is, a limitation from the beginning. Decolonization will have done its real work when it goes beyond this limit.

...

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Acknowledging differences does not compel one to be involved in the dialects of their totality. One could get away with: "I can acknowledge your difference and continue to think it is harmful to you. I can think that my strength lies in the Voyage (I am making History) and that your difference is motionless and silent."

Glissant, Eduard. 1997 [1990]. Poetics of Relation.

Science | Faith

When you are invested in the future, you seek to learn about present and past
And careful observation is just the scientific method

So we show again and again that distinction is faulty
So we show again and again that dichotomy is false
Like a floorboard built to enable mischief and / or larger crimes

Hawaiian | Astronomer

When you are living and advancing what you've learned, your history works towards
the future
And careful observation is just advancing survival on the part of grandchildren yet
unborn

So we show again and again that distinction is faulty
So we show again and again that dichotomy is false
Like a treaty trading land for something that will no longer be currency, come fifty years
Like excessive radiation creating noise in your scope

Thank you for your work and time,

Hope Fa-Kaji

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From: [Momi Greene](#)
To: [Mauna Kea Working Group](#)
Subject: MAUNAKEA Working Group
Date: Friday, December 31, 2021 2:34:11 PM

Welina,

The MAUNAKEA Working Group Do Not Represent myself.

I am Patricia Louise Leimomi Greene, just one of the KUPUNA Arrested on the Mauna on Wednesday July 17, 2019.

I Remained Living up there after the Arrest until

February's end in 2020 when COVID Hit the entire World. I Remained Supportive of the Mauna at the Request of my Mother Whom Died of Cancer as so many of Our Hawaiians Suffer from as way to many other Diseases Our People Suffer from.

We were Bashed, Trashed, Then Thrown to the Ground by America & Colonialism.

My Hawaiian Grandmother, Malia Paia Ahuna had to walk from her Punalu'u home to Hau'ula School as a little child of 6 Alone and then was Continually Beaten on Her Knuckles with a wooden ruler because 'She Spoke No English'.

It was Against the American Law. Well she quit before completing the 3rd grade. She Told me Her bloody Stories ! She still had that Ruler she took when she Quit.

I am AGAINST the BUILDING of ANYTHING UPON
MAUNAKEA which Sits on OUR AQUIFER.

Also POHAKULOA at The Base of the Mauna

Is Continually being POISONED From the Active and Regular LIVE BOMBING Every Month. STOP !

WE Did Not Invite ANYONE Foreign to Live here and STEAL OUR ENTIRE ARCHIPELAGO from Us. Our KINGDOM Was ILLEGALLY STOLEN !

~ UA MAU KE EIA O KA AINA I KA PONO ~
Aunty Momi Greene

Sent from my iPhone

APPENDIX D

From: [Kamaka Gunderson](#)
To: [Mauna Kea Working Group](#)
Subject: Testimony for Mauna Kea Management
Date: Friday, December 31, 2021 6:18:23 PM
Attachments: [Hawai'i House of Representatives Mauna Kea Testimony.docx](#)

State of Legislature Committee on Mauna Kea Management

Attached please find my testimony regarding the management of Mauna Kea.
Thank you for this opportunity to give input to this important subject.

Sincerely,

Gertrude Kamakaopiopiowiwoole Mahi Gunderson
Pahoa, Hawai'i

APPENDIX D

Dear State of Hawai'i House of Representatives:

University of Hawai'i as Managers of Mauna Kea

This testimony supports the premise that the University of Hawai'i is not the appropriate entity to manage Mauna Kea and should not be managers in the 2033 renewal.

1. Inherent conflict of interest. UH is in a dual role position: 1) lessee of state conservation lands and 2) applicant in new telescope development. These two roles demonstrate a major conflict of interest. This is highlighted in the UH plan to locate a new telescope in space not designated for telescope development in accordance with the 2000 Comprehensive Master Plan (CMP). This has added to the mistrust in the community regarding UH's ability to adhere to and implement the CMP. This point alone stands as the primary reason the university should not be the managers of Mauna Kea. The university is incapable of objectively monitoring itself and as demonstrated by its interest in adding new telescopes, non-compliance in decommissioning telescopes no longer in use, unregulated access to the summit by commercial businesses, its failure to manage both endemic and invasive species (i.e., gorse, which has contributed to the shrinking of land for grazing), and minimal, and at times none, inclusion of Native Hawaiian community knowledge and protocols in care for Mauna Kea.

2. Failure to implement administrative rules in a timely manner.

The 2014 State Auditor's Report states, "Our prior audit recommended that UH obtain rulemaking authority for the science reserve. In our follow-up, we found that in 2009, the Legislature granted UH authority to adopt and enforce rules governing public and commercial activities such as access to sensitive resource areas, recreational activities, and commercial tour activities. However, UH does not expect to adopt rules until 2017, due in part to avoidable delays in the rulemaking process. In the absence of rules, UH has relied on unauthorized permits and informal agreements to manage and assess fees to commercial tour activities, which totaled nearly \$2 million between FY2009 and FY2013. Until UH adopts rules, it cannot enforce controls for managing public access nor implement certain actions called for in its management plans, thus hampering its ability to fulfill its responsibility to protect the mountain's resources and ensure public health and safety on the mountain. We urge UH to hasten its rulemaking efforts and obtain Board of Regents' approval for the conditions and fee schedule included in commercial tour use permits."

It took 10 years (yes, 10 years) for UH and OMKC to create and implement administrative rules for Mauna Kea. This demonstrates UH's failure to create, manage, and monitor in a timely manner. UH did not do its job. This is a disservice to the State of Hawai'i, its citizens, and the land to which it is entrusted.

3. University of Hawai'i is not a land manager "The common purpose of the University of Hawaii system of institutions is to serve the public by creating, preserving, and transmitting knowledge in a multi-cultural environment. The University is positioned to take advantage of Hawaii's unique location, physical and biological environment, and rich cultural setting." (UH website). It is not the mission of the University of Hawai'i (UH) to manage lands in Hawai'i. It is a higher education institution. Its interest is in the science preserve sector of Mauna Kea.

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4. “Too much about Hawaiians”

This sentiment is a reaction to a Hawaiian voice that speaks with a holistic approach to environmental management. Hawaiians live in Hawai'i, as do many other ethnicities who have found their way to Hawai'i. Mauna Kea is in Hawai'i. This is about Hawai'i. It is about responsible management, responsible oversight, responsible transparency and responsible accountability. The October 3, 2019, report acknowledges the missteps, inadequate management, inattention to its own objectives in the CMP. This requires reevaluation and reassessment to improve “our” ability to manage lands in Hawai'i in a responsible, accurate and caring manner. The voice and values of the host culture, adapted and honored by the collective “Hawai'i community” is integral to responsible environmental management. UH's failure to respect Hawaiian protocols in removal or transfer of artifacts, failure to develop cultural education materials (as mandated in the CMP), demonstrates its inability work in a “kakou” (all of us together) manner to maintain and sustain the lands entrusted to Hawai'i. As the host people of Hawai'i, Hawaiians will always engage its people in collective, responsible management of its environment: land, ocean, air.

Thank you to the State of Hawai'i, House of Representatives for the opportunity to provide testimony and engagement in building a platform of responsible environment management, the environment of Hawai'i.

Sincerely,

Gertrude Kamakaopiopiowiwoole Mahi Gunderson, M.A.R.
15-445 Limu Street
Pahoa, Hawai'i 96778
Mobile: 808-769-0257

APPENDIX D

From: [Susan Hultberg](#)
To: [Mauna Kea Working Group](#)
Subject: Management Structure for Mauna Kea
Date: Friday, December 31, 2021 4:56:21 PM

To Whom It May Concern:

I wish to express my full agreement and support of the comments of KAHEA 's recommendations to the Mauna Kea Working Group's Draft Report, re-printed below. It would be criminal to allow the current management structure, or anything remotely similar, to continue to fail to adequately manage the sacred mauna.

Sincerely,
Susan Hultberg
Hilo, Hawaii

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai'i
Legislature on the Mauna Kea Working Group's Draft Report, dated December 17, 2021

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kōia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

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2.

No framework to implement traditional k        

The Draft Report describes traditional k        , including Kai       K        , under which natural boundaries dictated traditions, such that “land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.” Draft report at 5. Hawaiian practices as dictated by traditional K         include: “The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is ‘kapu’; therefore, prohibited for occupation.” Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional k         are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentring permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a W      .” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the k         shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional k         - no further development on Mauna Kea.

3.

Remove the Governor’s power to appoint nearly all the members of the Governing Entity

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Like the SB3090 Management Authority, the Working Group sets forth parameters for a “Governing Entity,” comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the “sole authority” over management of “state-owned lands above the 6,500 foot elevation line, inclusive of Pu             to the summit of Mauna a W        .” *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use

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permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, "significant, substantial, and adverse harm" to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional k  n  wai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,

KAHEA Board and Staff 2022

APPENDIX D

From: [Kaonohi Jeremiah](#)
To: [Mauna Kea Working Group](#)
Subject: Stand for the Water and the Protection of Sacred Maunkea
Date: Friday, December 31, 2021 10:54:51 AM

There needs to be an equal standing of native Hawaiians to participate in the conversation on what is best for the people of Hawaii and Maunakea. We have recently been informed of the Tainted Waters of Red Hill on Oahu due to Military irresponsibility to address the problem right away but waited until it became a bigger problem affecting people's lives on Oahu. This is the concern we have regarding our water supply.

Like all indigenous peoples, we are the caretakers so listen to our voices and we may be able to work together for the betterment of our community

Henrietta Jeremiah

APPENDIX D

From: [Lenley Lewis](#)
To: [Mauna Kea Working Group](#)
Subject: Proposed Mauna Kea governance feedback
Date: Friday, December 31, 2021 1:45:59 PM

Aloha,

I am writing to submit objections to the proposed governance plan for Mauna Kea as currently envisioned.

Recommended in the report is a two-tiered system in which Kānaka Maoli traditional kānāwai are merely “intended to guide and inform” while a governor-appointed “Governing Entity” would hold legal authority. This should be reversed.

The problem remains the failure of the University and State to relinquish control over the management of Mauna Kea and their refusal to allow those most knowledgeable and connected to Mauna Kea to administer care and protection of this sacred place.

The inclusion of a representative of the astronomy industry rather than simply an advisory role is particularly problematic, as their interests have been overrepresented and wrongfully imposed on Mauna Kea for the last 50+ years.

The report will not represent “A New Day on Mauna Kea” unless and until the proposed primary governance is flipped, and administrative powers transferred to Kanaka Maoli, with others taking on an advisory role.

Thank you for your attention to this matter.

Lenley Lewis
Laupahoehoe

Sent from my iPhone

APPENDIX D

From: [David Mele](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Report
Date: Friday, December 31, 2021 5:48:40 AM

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai‘i Legislature on the Mauna Kea Working Group’s Draft Report, dated December 17, 2021

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group’s (Working Group) Draft Report, “He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea,” dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawai‘i’s people and future generations through the revitalization and protection of Hawai‘i’s unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of “restoration”; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of “a plan to return the mauna above 9,200 feet elevation to its natural state.” *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai‘okia Kānāwai, under which natural boundaries dictated traditions, such that “land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.” Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: “The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is ‘kapu’; therefore, prohibited for occupation.” Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and

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information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional k^ān^āwai - no further development on Mauna Kea.

Remove the Governor's power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, "significant, substantial, and adverse harm" to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional k^ān^āwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,
KAHEA Board and Staff 2022

APPENDIX D

From: [Luanna Peterson](#)
To: [Mauna Kea Working Group](#)
Subject: The Mauna Kea Working Group's draft report of the recommendations
Date: Friday, December 31, 2021 11:21:31 AM

Aloha,

I'm writing to offer comments on the Mauna Kea Working Group report. I support recommendations that (1) support Hawaiian control over their lands (2) offer protection to Mauna Kea from any further development, and (3) support Mauna Kea's return to a natural state.

With the above recommendations in mind, I believe that the astronomy field should not have a designated board seat as their presence would present a conflict of interest with the primary goal of reinstating Native Hawaiian control of the land and the protection of Mauna Kea from further development.

I would like that the group ensure there is a timeline for dismantling the current telescopes on the mountain, and a list of which of those 13 scopes should be decommissioned.

Lastly, I support all 7 non-ex-officio seats be appointed to Native Hawaiian Hawaii island residents. This will better ensure that all three of the above recommendations will be accomplished. Having *preference for* Native Hawaiians for all 7 non-ex-officio seats will do little to accomplish your goals.

Mahalo for your consideration,

APPENDIX D

Luanna Peterson

APPENDIX D

From: [James Raymond](#)
To: [Mauna Kea Working Group](#)
Subject: Don't underestimate opposition to TMT
Date: Friday, December 31, 2021 8:42:51 AM

Aloha,

I'm a retired deputy ag and want to urge you not to underestimate the overwhelming opposition to TMT. In my opinion, it is as strong as any sentiment where native Hawaiians have taken a stand and should be deferred to.

Past that, here is the perfect opportunity to restore a small piece of sovereignty that was illegally seized in 1893 -- do the right thing.

Thank you,

James Raymond
Kailua, Hawai'i

APPENDIX D

From: [Niel Thomas](#)
To: [Mauna Kea Working Group](#)
Subject: Citizen comment on Mauna Kea Working Group Draft Report
Date: Friday, December 31, 2021 7:35:44 AM

My understanding of the report's recommendations is that the proposed Governing Entity would:

1. *have management authority over state lands on the whole mountain down to the intersection of the Access Road with the Saddle Road*
2. *be composed of nine members who, with the exception of two ex officio members, must either be Native Hawaiians (four of the remaining seven), with "preference" for Native Hawaiians for all of the seven seats*
3. *not include any representative of the astronomy community*
4. *have "sole authority" for management*
5. *hold in public trust these state lands until Hawaii transfers "management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by [US and Hawaii State Government]."*
6. *set a "framework to limit astronomy development" including "a plan to return the mauna above 9200 feet elevation to its natural state"*

Number 6, and the framework of the Recommendations 1-5, means that this Governing Entity arguably would have the uncontested power to sweep the mountain clean of telescopes by refusing to renew leases that expire in 2033, after which the mauna could be in the hands of a "sovereign Native Hawaiian entity".

Provision #1 should be more clear as to what lands are being referred to. A map would be helpful. The map should show the existing classifications of all lands included in the recommendation, and describe the current management of each. If the report's assertion of "sole authority" to manage these lands would repeal existing management responsibilities, the powers and duties that would be removed from these agencies need to be described.

Provision #2 suggests that as many as nine of the 11 seats on the Governing Entity could be Native Hawaiians. (But either or both of the ex officio members might also be Hawaiian, which creates the possibility of every member being Hawaiian.) Only if the required "preference" for three of the seats is ignored, and both ex officio members are non-Hawaiian, could there be the minimum of four "required" seats of indigineous Hawaiians. This is not how to credibly overcome decades of insensitivity to the concerns of Native Hawaiians. People will be quick to see through stacking the deck, and the kuleana of the Governing Entity won't gain respect. By comparison, state anti-discrimination laws don't specify racial quotas for Commissioners, but elected officials who make these appointments are mindful that stakeholders must be given places at the table.

Provision #3 violates the principle of giving stakeholders a seat. This isn't "oops, we forgot the astronomers". The question was discussed at length, and MKWG "could not reach consensus," according to the report, concluding that professional astronomers should only participate in an "advisory capacity" because of their (unexplained) "conflict of interest". Curiously, no mention is made of the deep pool of Hawaii's indigeonous navigators, the people who found Hawaii by the stars, and continue to pass on this knowledge!

Provision #4 merits a more full discussion of options and alternatives for management. There

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is a lack of context here. There have been many studies criticizing past and present management structures that govern various lands on the mauna. The MKWG report should summarize work that's already been done to evaluate what has gone before. Why is the structure recommended by the MKWG better? Is the intent really to set aside everything and start over? Why?

Provision #5 assumes more than most people know about the process by which a "sovereign entity" of the Hawaiian indigineous people might come into existence in Hawaii. The MKWG report hopes for a nation-to-nation relationship between a sovereign nation of indigineous Hawaiian people on the one hand, and the government of the United States on the other. (The model is the US Government's treaty relationships with tribal nations on the mainland. The relationship is very different between the US government, and most of Alaska's indigenous people, whose entities are not recognized as sovereign.) The MKWG report should summarize [work that has attempted to recreate a sovereign Hawaiian nation](#). The report should also describe the [Federal process](#) that is required for Washington to recognize a nation within a nation. This is a rocky road that has not earned universal support, even of many Native Hawaiians. It's ephemeral to pin the power of a Governing Entity to an undefined government-to-government relationship that may never happen.

Provision #6 and my "sweep the mountain clean of telescopes" comment in the next paragraph, isn't clear to at least one member of the MKWG I've spoken to. When I asked if the report should be read as I've worded my summary above, he expressed surprise. I invited clarification if I've misunderstood, but not received an answer to that request as of this writing.

=====
Niel Thomas
Kamuela (Waimea) Hawaii
907-244-5648 mobile
808-464-4316 home landline
=====

APPENDIX D

From: [Danny Wassman](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group
Date: Friday, December 31, 2021 10:30:01 AM

Daniel Kalani Wassman

As a Kanaka Maoli of the Sovereign Nation Of Hawai'i

I Agree with these comments and support the terms of action set forth by KAHEA for the preservation of our Sacred Mauna Kea

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai'i Legislature on the Mauna Kea Working Group's Draft Report, dated December 17, 2021

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity
The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." Id. at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.
2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands

were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

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These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional k  n  wai are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentring permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a W  kea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the k  n  wai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional k  n  wai - no further development on Mauna Kea.

3. Remove the Governor’s power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH’s dismal management record should not be a reason to repeat a wrong-headed approach directed at “resolving conflict”. Conflict isn’t the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a “Governing Entity,” comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the “sole authority” over management of “state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a W  kea.” *Id.* at 21, 24.

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More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly

community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai‘i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor’s appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, “significant, substantial, and adverse harm” to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional k  n  wai by, first and foremost, prohibiting any further construction – including the Thirty-Meter

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Telescope – on Mauna Kea.
Me ke aloha,
KAHEA Board and Staff 2022

APPENDIX D

From: [Mel](#)
To: [Mauna Kea Working Group](#)
Subject: Comment on House Mauna Kea Plan
Date: Saturday, January 1, 2022 3:38:31 PM

As a U.S. Citizen of Hawaiian descent, I'd like to echo the words below as if they were mine. I totally agree on all the points and the fact that the University of Hawaii should continue to manage Mauna Kea as it is now and that the findings of the committee be scrapped. The working group was stacked from the beginning and the fact that there are no members from the astronomy community involved is abominable!

The people of Hawaii and the world deserve to have the continuation the astronomical observatories and the addition of the TMT built on Mauna Kea as soon as feasibly possible. Let's not have the political agenda of the vocal minority take over the agenda of supporting astronomy in Hawaii.

Aloha,
Melvin Ah Ching

=====

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

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5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Melvin Ah Ching

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From: [Andrea Anixt](#)
To: [Mauna Kea Working Group](#)
Subject: Comment on Mauna Kea WG
Date: Saturday, January 1, 2022 3:32:08 PM

1. Access to the mountain is on a Hawai'ian owned road.
2. This road has never been paid for by the State of Hawai'i. The State Department of Transportation does not have any rights to use it that I know of. Proof please. Not just promises.
3. Four or more of the existing obsolete structures agreed to have been taken away are still on Mauna Kea. More unfulfilled promises.

Hawai'ians have been disrespected, sacred sites are blasphemed; and the State has not paid agreed upon sums for access to TMT/State desired site.

To add insult to injury, kupuna were arrested protecting their heritage.

And the fiasco will be ongoing if the State keeps trying to control this situation as if it was only a money deal.

Remove all obsoletes, respect the sacred rights of the indigenous Hawai'ians to their Mount Fuji equivalent: and pay up before there is any trust to be hoped for...

Mahalo if comment acted upon.

The

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From: [Andrea Anixt](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Comment on Mauna Kea WG
Date: Saturday, January 1, 2022 4:02:06 PM

----- Forwarded message -----

From: **Andrea Anixt** <andreapeatmoss6@gmail.com>
Date: Sat, Jan 1, 2022, 3:31 PM
Subject: Comment on Mauna Kea WG
To: <maunakeaWG@capitol.hawaii.gov>

1. Access to the mountain is on a Hawai'ian owned road.
2. This road has never been paid for by the State of Hawai'i. The State Department of Transportation does not have any rights to use it that I know of. Proof please. Not just promises.
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Remove all obsoletes, respect the sacred rights of the indigenous Hawai'ians to their Mount Fuji equivalent: and pay up before there is any trust to be hoped for...

Mahalo if comment acted upon.

This comment is resubmitted
by Andrea Anixt
andreapeatmoss6@gmail.com
808 237 8595
P.O. Box 646
Ka'a'awa, Hawai'i 96730

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From: [Bonnie Bee](#)
To: [Mauna Kea Working Group](#)
Subject: Sacred Mauna Kea Addendum : Public Comment ~ Mauna Kea Working Group Report
Date: Saturday, January 1, 2022 9:16:17 PM

PO Box 30848
Anahola, Kaua'i Hawai'i
96703-0848

1 January 2022

To Whom it May Concern,

ALOHA !!!

Gratefully, we appreciate the opportunity to offer comment on the Mauna Kea Working Group's report on proposed new governing entity of management of sacred Mauna Kea.

Thirteen (13) observatories atop
sacred Mauna Kea are thirteen (13) too many.

The University of Hawaii has committed to no more than nine (9) operating 'astronomy facilities' on Mauna Kea by
31 December 2033; with decommissioning one rubbish desecration, named Hoku Ke'a
whereas, seemingly illogical - - -
as the following disclosure excerpt reveals:

" ... The Hoku Ke'a decommissioning plan reviewed in the DEA includes the safe and proper removal of two buildings and supporting infrastructure, and restoration of the site
TO ITS ORIGINAL STATE, AS MUCH AS POSSIBLE ... "

("Meeting on Hoku Ke'a telescope decommissioning Wednesday"
"The Garden Island" 09/21/2021 p A4)

In other words...a caveat - - - - -

It's stating that it's impossible to restore the sacred `āina to it's original condition...

This is unacceptable.

Furthermore, decommissioning five (5) telescopes by the end goal of alignment of the University of Hawaii's commitment
by 31 December 2033,
to have nine (9) operating 'astronomy facilities'
is preposterous.

It's impossible - to safely and properly remove and clean up five (5) telescopes i.e. 'astronomy facilities' with their associated hazardous waste & contamination and restore the sacred `āina to it's original state.

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Is the underlying reason to remove the University of Hawaii from management of sacred Mauna Kea to extend the time-frame to facilitate accommodation of the TMT ? !

Lastly, the proposed new governing entity for the top of the tallest mountain on earth
- from seabed - ~ Sacred Mauna Kea ~

Ought not be foreshadowed by possibility of conflict-of-interest:

No appointment to the proposed new management or governing body for stewardship of sacred Mauna Kea by a person(s) from the astronomy field, please ! ! !

To reiterate:

No one, any person(s) affiliated in the field of astronomy - - -

No person(s) associated or in alliance or collaboration with the astronomy field; shall not participate or be recommended in any involvement in an advisory capacity for new management or advisory entity for sacred Mauna Kea.

MAHALO Nui ! ! ! ! !

Sincerely With ALOHA,

Bonnie P. Bator and `Ohana
(Keana`aina, Keli`ikoa, Kai`aokamalie and Kai)

APPENDIX D

From: [John Burns](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Report
Date: Saturday, January 1, 2022 1:56:16 PM

1. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and **our constitution prohibits the government from establishing a religion**. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.
5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Thank you

John Burns

APPENDIX D

From: [Cheryl](#)
To: [Mauna Kea Working Group](#)
Subject: FW: Please comment on House Mauna Kea Plan!
Date: Saturday, January 1, 2022 1:39:10 PM

Please allow UH to continue it's management of Mauna Kea under the new Proposed Plan. Our Astronomy program is essential to education, funding and maintenance of this beautiful mountain;
And all it offers to our folks in Hawaii.

Cheryl
(Concerned resident of this beautiful state.



'Ai Noa!

Aloha TMT Supporters,

Happy Holidays, Hau'oli Makahiki Hou and Happy New Year!

On January 4, 2022 at 4:30pm, comments are **due** on the [draft report](#) produced by the [Mauna Kea Working Group](#) (MKWG). The MKWG was convened as a result of the House of Representatives resolution [HR33 HD1](#) during the last legislative session. The MKWG has been meeting for the last six months to author a governance model for Mauna Kea that is an alternative to UH's current management.

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Unfortunately, the proposal created is flawed in numerous respects and it would actually be better to simply scrap this proposed plan and continue forward with the current UH management structure under UH's new master plan. Please submit comments supporting continued management by UH, especially for purposes of building TMT, and for the continued use of Mauna Kea for astronomy. You can email comments to:

maunakeaWG@capitol.hawaii.gov

Please send comments by January 4, 2022, 4:30 pm!

Here is a **draft comment** to give you ideas. Feel free to use it verbatim or to type your own message from the heart:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that

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would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This taxpayer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

Sam King
Executive Director
Imua TMT

Check out Imua TMT's brochure. Please paste it into any online discussions you get involved in and share with all your friends!

[Brochure](#)

Mahalo for all the community support! Your donations keep Imua TMT online and advocating.

[Make a Donation](#)

APPENDIX D

Please check out Imua TMT's resources page containing links to many articles, videos, and presentations sharing why the people of Hawaii support TMT:

[Imua TMT Resources](#)

Please share the link below with any friends and family who wish to be added to our email list!

[Join Us](#)

Sign Mailani Neal's petition in support of TMT!

[Sign the Petition!](#)

Check out the panel discussions on Imua TMT's Facebook page to see Native Hawaiians speaking out in favor of TMT:

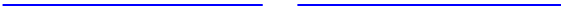
[Panel Discussions](#)

Below are some links to our online shop and calendar of events as well.

[Online Shop](#)

APPENDIX D

Upcoming Events



APPENDIX D

From: [CYRUS CULLEN](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna kea
Date: Saturday, January 1, 2022 6:08:09 PM

First telescope 2.2 erected 1970 why now all the negativity not for or against just confused? Wondering how much this is going to cost tax payers. Who ever has the legal rights so be it. Now a make shift management? Is this committee doing this for free? If not how much will this cost? Whatever we say won't make the least iota of a difference. Do what you got to do.

[Sent from Yahoo Mail on Android](#)

APPENDIX D

From: [C. Suz cb](#)
To: [Sen. Lorraine R. Inouye](#); [Sen. Laura Acasio](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Cc: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea Working Group Draft Report
Date: Saturday, January 1, 2022 12:15:57 PM

Please note - this was submitted to the Working Group yesterday. Today I am copying additional legislators. Mahalo!

Honorable Representatives:

I read the draft report and have the following observations and comments:

1. The report seems very one-sided to me. In an excerpt from the report in Chapter 3, it states that a goal is to "...set a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state." It seems clear that the goal of the Working Committee and subsequent Governing Body is to remove all of the telescopes. Returning the top of Mauna Kea to its former natural state is not reasonable or easily accomplished. Who will fund the removal process? Should all roads be removed in addition to all telescopes? Hiking trails too? When snow falls, will Hawaiians no longer be able to enjoy sledding with their families?
2. The composition of the governing body is not equitable to all stakeholders. It appears to me that the majority of the governing body will be Native Hawaiians with no representation from the astronomical community. Just as there are long-standing important Hawaiian cultural considerations, the benefits of Astronomical exploration and discoveries are also very important. The Governing Body needs more Astronomical Stakeholder members. I'm sure there are many Native Hawaiians who also work for one of the telescope companies. Perhaps governing members can be vetted based on their knowledge of the importance of both Hawaiian culture and astronomy.
3. Perhaps the make-up of the individuals on the Working Committee also needs to be adjusted to reflect input from the astronomical community. There is one representative from Keck only.

I personally would like to see a Governing Body composed of individuals with a "win-win" goal first and if not possible, then a great compromise. The art of compromise seems to have been lost in our Nation, and it is something that needs to be reinstated. Old and unnecessary telescopes may need to be removed but they don't all need to go. Changes may be needed to make the telescopes more environmentally friendly. If telescope companies are not following environmental rules set forth in their agreements then consequences to these behaviors need to be determined and enforced. I agree with providing education on Hawaiian traditions to those visiting Mauna Kea so that the mountain is treated with reverence and respect. Perhaps education on past astronomical discoveries and future scientific goals should also be provided to those visiting.

I'm sure there is a way to find middle ground on this important topic, and in my opinion what

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I'm reading in this current draft report won't allow that to happen.

Mahalo for allowing all Hawaiians to comment on this report.

Colette Curtis-Brown

APPENDIX D

From: [Irene Eklund](#)
To: [Mauna Kea Working Group](#)
Subject: Testimony in support of TMK
Date: Saturday, January 1, 2022 12:47:49 PM

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna

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Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

With Much Aloha,
Nels & Evelyn Eklund
Na'alehu
Big Island, Hawaii

APPENDIX D

From: [Barbara Ellis](#)
To: [Mauna Kea Working Group](#)
Subject: FW: Please comment on House Mauna Kea Plan!
Date: Saturday, January 1, 2022 10:39:16 AM

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

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APPENDIX D

probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

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Mahalo nui loa,

Barbara B Ells
Ben W Dysart

APPENDIX D



APPENDIX D

From: [Samantha Gilbert](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea
Date: Saturday, January 1, 2022 12:48:10 PM

To whom it may concern:

I am an astronomy PhD student at the University of Washington. The future of Mauna Kea is closely connected to the future of my career -- as an exoplanet astronomer, large ground based observatories like TMT have the potential to transform our understanding of alien worlds and their potential to host life.

In my opinion, respecting indigenous sovereignty by returning this sacred site to Hawaiians is far more important than photons could ever be. As such, I would like to repeat and amplify the recommendations of KAHEA: The Hawaiian-Environmental Alliance.

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of “restoration”; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of “a plan to return the mauna above 9,200 feet elevation to its natural state.” *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

No framework to implement traditional k_ān_āwai

The Draft Report describes traditional kānāwai, including Kai‘okia Kānāwai, under which natural boundaries dictated traditions, such that “land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.” Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: “The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is ‘kapu‘; therefore, prohibited for occupation.” Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and

APPENDIX D

their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

Remove the Governor's power to appoint nearly all the members of the Governing Entity. Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." Id. at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the opposite lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, "significant, substantial, and adverse harm" to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost,

APPENDIX D

prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Thank you,

Samantha Gilbert

APPENDIX D

From: [Glacs-Publico-Kokua](#)
To: [Mauna Kea Working Group](#)
Cc: [Sam King](#)
Subject: Mauna Kea
Date: Saturday, January 1, 2022 5:30:32 PM

Aloha:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
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4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the

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government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

Garnet Giles
Honolulu

APPENDIX D

From: [Tyler Gordon](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the Draft Report of the Mauna Kea Working Group
Date: Saturday, January 1, 2022 2:00:11 PM

To whom it may concern,

I am a PhD student in the Astronomy department at the University of Washington. As a member of the astronomy community, the construction of the Thirty Meter Telescope on Mauna Kea is of particular interest to me. For this reason I've followed the progress of the Mauna Kea Working Group closely. It is clear to me that the draft report from the working group does not sufficiently provide for the protection of Mauna Kea, nor does it recommend the return of control over the fate of the mountain to the indigenous people of Hawai'i.

Despite my desire to see and use the data collected by TMT and other telescopes located on the summit of Mauna Kea, it is my firm conviction that it is unethical to build and maintain astronomical facilities in the face of opposition from the original inhabitants and rightful stewards of the islands.

Finally, I would like to endorse the comments of KAHEA: The Hawaiian-Environmental Alliance and their recommendations to 1) Include meaningful community input prior to the introduction of any legislation, 2) Remove the governor's power to appoint nearly all members of the Governing Entity, and 3) To prohibit further construction on Mauna Kea.

Best,
Tyler Gordon
PhD Student, University of Washington

APPENDIX D

From: avakato@aol.com
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group
Date: Saturday, January 1, 2022 2:23:40 PM

I hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Arlene Kato

APPENDIX D

From: [Loea Keana'āina](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group Draft Report
Date: Saturday, January 1, 2022 2:08:22 AM

To Whom it May Concern,

Aloha,

We appreciate the ability to offer comment to the Mauna Kea Working Group in their draft report.

Our beliefs:

No TMT on Mauna Kea

No to the University of Hawaii having a seat in the proposed new governing board of Mauna Kea

No University of Hawaii management of the summit Maunakea

In all Righteousness - proof of the mismanagement by the University of Hawaii for the last nearly fifty-five years -

Ought be enough evidence to immediately remove the University of Hawaii from any 'management position' of sacred Mauna Kea. The University of Hawaii must immediately clean up ALL the contamination and ton's of rubbish that which the University of Hawaii sanctioned under its guise of 'management' - the height of malefaction - hewa

In conclusion, the ill conceived proposal of the TMT would be rendered obsolete as the "Pathways to Discovery in Astronomy and Astrophysics for the 2020's" the 614-page report authored by the National Science Foundation states:

" ... the report tabbed as it's top space priority an \$11-billion next-generation space telescope ... "

E mālama i ka nani 'o Mauna Kea, no ko kākou mo'omeheu me nā hānauna hou.

Me ke aloha,

Lo Keana'aina & 'Ohana

(Keana'aina, Keli'ikoa, Kai'aokamalie and Kai)

P.S. "We have said no, and continue to say no. And no means no" - Kealoha Pisciotta

APPENDIX D

From: donkephart@earthlink.net
To: [Mauna Kea Working Group](#)
Subject: House Mauna Kea Plan!
Date: Saturday, January 1, 2022 3:52:29 PM

Please know that we agree 100% with Sam King's very articulate letter. Thank you.
Don and Kerrill Kephart

APPENDIX D

From: [Elizabeth Kieszkowski](#)
To: [Mauna Kea Working Group](#)
Subject: Draft report, Maunakea Working Group
Date: Saturday, January 1, 2022 10:18:26 PM

Re Maunakea Working Group, Draft Report:

My gratitude to the Legislature and Mauna Kea working group for considering how best to manage Mauna Kea. I am writing to comment on the draft for the purpose of registering my support for scientific research and discovery in Hawaii, and TMT at Mauna Kea.

My concern is that creation of a new governing entity will delay moving forward on TMT, and, could delay renewal of the lease pertaining to telescopes now on Mauna Kea. I believe we should seek to move forward with TMT, as it holds many potential gifts to global understanding of our universe, and its presence in Hawaii can bring many benefits to those who live in the islands.

The draft report proposes excluding the astronomy industry from involvement in the management of Mauna Kea. I am concerned that this is not the avenue to informed, conscientious management.

There is no indication of the effect of this management shift on moving forward with TMT, and this should be the objective.

I am also concerned with indications in the report that Mauna Kea should be governed under HRS 183 and HRS 205A, pertaining to forest reserves and coastal lands. If this classification is a back-door tactic to ban astronomy on Mauna Kea, it should be deleted.

Thank you for registering my support for TMT and my concerns for tactics that will stall or prevent this valuable project.

With aloha,
Elizabeth Kieszkowski

APPENDIX D

From: [Steve Massey](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Master Plan
Date: Saturday, January 1, 2022 6:27:24 PM

Dear Mauna Kea Working Group,

I am a Hawaii resident for over 35 years. I worked full-time on Mauna Kea for 12 years at the Canada France Hawaii Telescope, University of Hawaii Telescope, NASA Infrared Telescope Facility and the Gemini 8 Meter Telescope. I lived at the Hale Pohaku Dormitory for five years while I worked at the summit. I learned about a place on Mauna Kea where the ancient Hawaiians would refine their calendar and star charts, it is not far from the main road at the 11,000 foot level on the plateau. When you go there, it is obvious that Mauna Kea is meant for Astronomy.

When the TMT protest occurred, it was just an opportunity for a minority of people to grab attention to their cause. This cause really has nothing to do with Mauna Kea, they were just using the TMT as their scapegoat. These opportunistic groups do not represent the will of the majority of the voters in Hawaii, nor even of most native Hawaiians. I would like to add a quote from a wise Hawaiian, named Sam King which I agree with.

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including

APPENDIX D

the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

Steve Massey

APPENDIX D

From: [Art McDonald](#)
To: [Mauna Kea Working Group](#)
Cc: [Art McDonald](#)
Subject: Comment on proposed governance structure
Date: Saturday, January 1, 2022 11:19:58 AM

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
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5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Sincerely

Art McDonald
Gordon and Patricia Gray Chair in Particle Astrophysics, Emeritus, Nobel Physics Laureate 2015
Department of Physics, Engineering Physics and Astronomy
Queen's University
Kingston, Ontario, Canada K7L 3N6
Ph: 613 533 2702 Cell: 613 5411405 Fax: 613 5336813

APPENDIX D

From: [Veronica Ohara](#)
To: [Mauna Kea Working Group](#)
Subject: comment on proposed new management for Maunakea
Date: Saturday, January 1, 2022 11:36:54 AM

My thanks to this group in their efforts to find a solution for managing Maunakea. Clearly this undertaking is an impossible task, to satisfy the TMT/astronomy opponents and our home, the State of Hawaii.

If we look at the record of UH's management it's obvious the Weiku Bug population has increased, also the Wolf spider, and Hawaiian Tortrix moth. Their tireless efforts to remove invasive species, at the same time propagate more native plants such as 'Aweoweo, 'Ohelo, 'Ena'Ena, Mamane. There is also the task of keeping the roads clear of snow, looking after historic properties. Clearly there will always be more work to be done but the UH management efforts have been outstanding.

There has been failure on the part of the State of Hawaii to clear the protesters from their illegal blockade of the road when TMT construction was to begin. This created a tax burden for all Hawaii residents.

Creating a new governing body for Maunakea will only delay the construction of TMT, a project that was given the green light by the Hawaii State Supreme Court and the Contested Case Hearing. The opponents of TMT and astronomy are focused on denying the leases for the observatories in the Maunakea Science Reserve. Clearly their ultimate goal is to remove astronomy from Hawaii. Please allow UH to continue to manage Maunakea so that astronomy and TMT can remain in Hawaii. All credible institutions of higher learning have an astronomy and physics department, why should we hobble ourselves and limit our leaning? We have Hawaiians in astronomy, astrophysics, why should they be forced to study and work outside of Hawaii? If the goal is to de-colonize the STEM fields then obviously shutting down astronomy in Hawaii will have the exact opposite effect.

The report does not allow astronomy a voice in the management

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of Maunakea. This is a narrow approach because the observatories employ many local people and contribute to the economy and education of the communities.

The report states Maunakea should be governed under HRS 183 and HRS 205A, the most stringent management rules. HRS 183 cannot apply to the Maunakea Science Reserve because that area is not a forest reserve, it is actually an alpine desert. HRS 205A applies to the coastlines, but clearly the MKSR is the summit of the mountain and therefore not part of the coastlines. My guess this is another attempt to exclude astronomy and remove it from the university. Thus no zoning changes should be made in regard to Maunakea.

The sacred nature of Maunakea is not a strong argument for the opponents of TMT and astronomy. Our own kupuna dismantled the Kapu many generations ago, we are free to worship, eat, fraternize. The specter of Kapu cannot be allowed to govern modern life in Hawaii and become a burden to the residents of these islands. Knowledge for all humanity and understanding our place in the expanding universe is an important effort and we should be proud that this comes from our tallest mountain.

Please stop referring to the mountain as Mauna A Wakea. I studied Hawaiian language and more under Pua Anthony, this was never part of the years of learning. It's disconcerting that our sacred chants have been cherry picked and twisted to suit the ideas of those who oppose astronomy and TMT.

Lastly, if the working group has influence then the TMT / astronomy opponents must cease their protests.

Sincerely,

Veronica Ohara

APPENDIX D

APPENDIX D

From: [DLR](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea
Date: Saturday, January 1, 2022 5:32:38 PM

Mauna Kea has already been damaged substantially by mismanagement. To allow this to continue would be foolish and an endangerment to the people of Hawaii. We see what has happened on Red Hill and it should be a warning to anyone wanting to build anything over our aquifer up there. If you look at the design of TMT they want to do the same thing by putting 5000 gallon tanks over our aquifer. I would think that the Red Hill fiasco would be enough for our government to say we will not take this chance again. The aquifer on Mauna Kea has not been studied enough to say that underground and surface water would not be polluted. This is a statement made by the management plan itself. Even if the management plan did not state this, it doesn't take a genius to know that you should not place anything over your main water source. The only reason you would take a risk like that would be because of money. Money is not worth the risk you put upon the people living on the big island. If you have not learn from Red Hill how catastrophic the damage could be, then you should not be a party to any management on Mauna Kea. The University has shown that they are incompetent and uncaring as stewards of our Mauna and the people that live here and will continue to abuse their power and authority. We will not make the same mistake that was made on Red Hill by allowing the government to dictate to us what is safe for our Aina and our people. No one can care for our Aina and people more than we can. It is our birth right and promise and we shall keep that promise for the next generations to come.

Ku kia'i Mauna
Aloha Aina

Drena Rodrigues
Sent from my iPhone

APPENDIX D

From: [Eric Takasugi](#)
To: [Mauna Kea Working Group](#); bor.testimony@hawaii.edu
Subject: Mauna Kea Working Group Draft Report
Date: Saturday, January 1, 2022 10:38:27 AM

To whom it may concern,

My name is Eric Takasugi, a resident of Kona and a supporter of astronomy and the Thirty Meter Telescope on the Big Island of Hawai'i.

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is

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enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Thank you for your time.

Sincerely,
Eric Takasugi

APPENDIX D

From: [Richard Tasse](#)
To: [Mauna Kea Working Group](#)
Subject: Tmt
Date: Saturday, January 1, 2022 12:50:00 PM

Sent from my iPhone

APPENDIX D

From: [Debby Tran](#)
To: [Mauna Kea Working Group](#)
Subject: Protect Mauna Kea
Date: Saturday, January 1, 2022 12:02:40 PM

To whom it may concern,

As an astronomer, it's important to me to respect the knowledge and agency of the traditional protectors of Mauna Kea. The University and state must relinquish their control over the management of Mauna Kea. Astronomy is definitely a community that has been overrepresented in Hawaii in the past 50+ years and there is no need for another telescope, particularly one that has such a high environmental impact, to be built there when there are other sites that would work as well. Do NOT include an astronomer in the governing entity of Mauna Kea, as we don't need to have a say in a place we have no business in being.

Thank you,
Debby

Debby Tran
Pronouns: she/her/hers

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From: +18082817414@tmomail.net
To: [Mauna Kea Working Group](#)
Date: Saturday, January 1, 2022 5:03:00 PM
Attachments: [text_0.txt](#)

My feeling is a trade off decommissioning 5 forward one is a plus sadly the ship of defacing
mains kea sailed long ago My feeling going to another die costly and perhaps not the best
locale Offer good old dirty money for consideration Say 75 million for big island assistance
and 25-50 for koholawae bomb disposal

T-Mobile

This message was sent to you by a T-Mobile wireless phone.

APPENDIX D

From: [Josh Walawender](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: Comments on MKWG Draft Report
Date: Saturday, January 1, 2022 1:25:22 PM

I have read the draft report by the Maunakea Working Group and would like to submit some comments for the legislature's consideration:

First, the report lacks what I feel should be a key statement: the goal of whatever entity manages Maunakea should be to maintain it as a shared resource. Maunakea is all at once a special place in the hearts of many Hawaiians, a unique ecosystem which should be preserved, and an extraordinary location from which to study the universe. Management of the mountain should ensure that all of its roles are nurtured and preserved.

Second, astronomy is an activity which should be maintained. Astronomy can be a sustainable source of knowledge for humankind, inspiration and pride for the local community, and economic activity for the State. This can all take place under a model of Maunakea as a shared resource.

Finally, it is extremely concerning that the report excluded the astronomy community from a vote in the management structure. While there are certainly disagreements about the future of Maunakea, it is problematic that this working group could not agree to simply allow all sides a seat at the table. This certainly brings the impartialness of the working group in to question and I would urge the legislature to consider this report in that context.

Thank you,
Josh Walawender
Kamuela, HI

APPENDIX D

From: [Travis Clark](#)
To: [Mauna Kea Working Group](#)
Subject: Aloha, please read this short email
Date: Sunday, January 2, 2022 9:05:38 AM

Thank you for reading and considering my comments. First off let me tell you I have no Hawaiian Blood, was not even born in these islands. That said I have been here since I was 18 and attended UH-Hilo. My wife was born here, as was my son. It is so clear that the majority of the Hawaiian people oppose more desecration to this beautiful mauna. My son was 6 years old and asked me to take him up to stand with the protectors of this Mauna many times. How can it be any clearer that the mountain has been mismanaged for decades? Please consider the Native voice on this issue. Please make sure that we don't make all our decisions based on monetary gains, and please try to clean up the mess that is already on the mountain. In my opinion it is time to start thinking about our community and we are Hawaii, which means we need Hawaiians, their values, their Aloha, and their voice.

Mahalo Nui,
Travis Clark
ticoclark@hotmail.com

Sent from my iPad

APPENDIX D

From: sylviedahl@aol.com
To: [Mauna Kea Working Group](#)
Subject: governance and management structure for Mauna Kea
Date: Sunday, January 2, 2022 1:23:48 PM

Aloha members of the Mauna Kea Working Group,

Thank you for the opportunity to contribute comments regarding the stewardship of Mauna Kea and Comprehensive Master Plan.

I feel strongly that any new management structure **MUST** include the Astronomy industry and the University of Hawaii in the decision-making process.

For over 50 years, Astronomy on Mauna Kea has contributed much to the State of Hawaii in academia and the local economy, not to mention that the telescopes at the summit have played an important part of virtually every significant astronomical discovery since the first one was built. The Mauna Kea Observatories have contributed invaluable scientific advancements to humankind's understanding of our earth, the planets and how the universe works.

I am concerned that the proposed new management structure does not represent the vital, sustainable and environmentally-clean Astronomy industry, nor recognize the UH's efforts and record of continuous improvement.

"We believe that the lessons we have learned and the strides we have made uniquely position UH to provide balanced stewardship of Maunakea lands. As such, we are seeking a new land authorization that will, if granted, allow UH to continue along our path of continuous improvement in collaborative stewardship and management while supporting a world-class astronomy program, with fewer astronomy facilities, in a manner that honors the mauna," Randolph G. Moore Chair, BOR and David Lassner UH President.

In fact, the entire premise of a new management structure is flawed. The Ku'iwalu Report lauds UH's management of natural resources on Mauna Kea, stating that it's "some of the best managed land in the entire state". The report's main criticism of the University was a lack of community outreach and engagement with Native Hawaiians. This can be addressed simply by giving representatives of the Hawaiian community a decision-making voice of authority in a modified version of the current management structure. It is not necessary to create an entirely new structure to improve stewardship of Maunakea.

Sylvia Dahlby
Hilo, Hawaii

APPENDIX D

From: [Stan Herder](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea management
Date: Sunday, January 2, 2022 7:39:20 PM

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

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5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

6. TMT is the type of industry the state must support. It not only brings in needed outside dollars and expertise, supports local high tech jobs and research, gives status and expertise to Hawaii's local universities, but is an industry that incurs much less costs (in an economic sense) to the state than other industries.

Mahalo nui loa,
Stan Herder

APPENDIX D

From: [Bianca Isaki](#)
To: [Mauna Kea Working Group](#)
Subject: KAHEA comments on Mauna Kea Working Group draft report
Date: Sunday, January 2, 2022 4:30:23 PM
Attachments: [2022.01.02 KAHEA comment on Mauna Kea Working Group.pdf](#)

To whom it may concern,
Please find attached KAHEA's comments on the Mauna Kea Working Group draft report.

Yours,
Bianca

--

Bianca Isaki, Ph.D., Esq.
KAHEA: The Hawaiian-Environmental Alliance
808.927.5606



APPENDIX D

January 2, 2022

VIA EMAIL

To: Mauna Kea Working Group, State of Hawai'i Legislature
maunakeaWG@capitol.hawaii.gov

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai'i Legislature on the Mauna Kea Working Group's Draft Report, dated December 17, 2021

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY &

TRADITIONAL RIGHTS AND

OUR FRAGILE

ENVIRONMENT

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawai'i's people and future generations through the revitalization and protection of Hawai'i's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an

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

toll-free phone/fax
877.585.2432

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

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

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atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentring permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea." Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3. Remove the Governor's power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group.

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Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, "significant, substantial, and adverse harm" to cultural resources.

(2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,

KAHEA Board and Staff 2022

APPENDIX D

From: jerirose@hawaiiantel.net
To: [Mauna Kea Working Group](#)
Subject: yes and pono
Date: Sunday, January 2, 2022 8:42:13 AM

build it but be sure to be respectful of the aina

APPENDIX D

From: jerirose@hawaiiantel.net
To: [Mauna Kea Working Group](#)
Subject: Re: Automatic reply: yes and pono
Date: Sunday, January 2, 2022 8:50:23 AM

o dear if you say stay safe you have bought the lies of bought science We are safer with this man made thing that Fauci is invested in than we were with the yearly other flus watch this <https://pulseofisrael.com/2021/12/22/mrna-anti/>

On 2022-01-02 08:42, Mauna Kea Working Group wrote:

Aloha,

Thank you for your comments. The Working Group will review them.
Mahalo and please continue to stay safe!

Mauna Kea Working Group

APPENDIX D

From: [Jan](#)
To: [Mauna Kea Working Group](#)
Subject: Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai'i Legislature on the Mauna Kea Working Group's Draft Report, dated December 17, 2021
Date: Sunday, January 2, 2022 8:58:58 AM

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities

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towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3.

Remove the Governor’s power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH’s dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a “Governing Entity,” comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the “sole authority” over management of “state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea.” *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai‘i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor’s appointment.

One issue that remains unresolved in the draft report is whether or not a representative from

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the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, “significant, substantial, and adverse harm” to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,
KAHEA Board + Staff 2021

Note:

I didn’t write this report or have anything to do with the composition of it but

I fully support the work of KAHEA and believe this report speaks the truth.

Me ka pono,

Janice "Wana‘ao" Jong

APPENDIX D

From: [juju](#)
To: [Mauna Kea Working Group](#)
Cc: lauren@kahea.org
Subject: Mauna Kea belongs to the Hawaiian People!
Date: Sunday, January 2, 2022 7:37:17 AM

To Whom It May Concern,

Although I am not Hawaiian, I have been living in Hawaii since 1980 (an unintentional settler). While living here it has become clear to me that this land was stolen from the Hawaiians. It has also become clear that the Hawaiian people know much better than anyone else how to care for this land. While the USA continues to exploit resources here and destroy the health and beauty of Hawaii, the Hawaiian people continue to care for it and bring it back to life. To give the Hawaiian people a position of being merely a guide in the decision making process over what happens with Mauna Kea is an atrocity! The Hawaiian people should have complete authority!

Mauna Kea belongs to the Hawaiian people! Anyone who is not Native Hawaiian should consider themselves a guest and act accordingly. Native Hawaiians and the people that they themselves elect should be the only ones who have say over what happens with Mauna Kea. Anyone else who takes control over the mountain should be held accountable for theft and any violence done in the process of enacting such a seizure!

Sincerely,
Juju Juju
PO Box 698
Naalehu, HI. 96772

APPENDIX D

From: [Loea Keana'āina](#)
To: [Mauna Kea Working Group](#)
Subject: Public Comment Maunakea Working Group Report
Date: Sunday, January 2, 2022 5:15:44 PM

2 Ianuali 2022

Aloha, to whom it may concern,

Mahalo for the opportunity to comment on the Maunakea working groups report. In the Garden Island Newspaper, Sunday, November 7, 2021, it states information about the funding of the telescope and whatnot but it also included the fact that they don't like indigenous people being in there way of doing these projects. "But the report also highlights astronomy's problems with Indigenous people". As a Native Hawaiian, this is extremely offensive and disrespectful, not only to my nation, but to all our indiginous people's. This statement simply shows the attitude of these people working in the astronomy field, which especially does not deserve to be rewarded with the TMT. This is extremely impudent, which shows how they don't care at all for the natives, and this is the leading problem in almost all global issues. People don't care for the world around them and will do just about anything to get their way because of this attitude. So please, do not allow these astronomers to ruin yet another sacred place by building the TMT, another blow to the natives' faces.

Mahalo.

APPENDIX D

From: [Charlotte Leger](#)
To: [Mauna Kea Working Group](#)
Subject: Against HR33
Date: Sunday, January 2, 2022 9:04:34 PM

Aloha,

I write in to oppose the inclusion of a seat on the proposed governing entity for a representative of the astronomy industry as set out in HR33. Additionally, there is no framework to implement traditional kanawai.

Thank you for your consideration

--

Charlotte Leger

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From: [David Marsh](#)
To: [Mauna Kea Working Group](#)
Subject: In support of continued management by UH and continued use of Mauna Kea for astronomy
Date: Sunday, January 2, 2022 5:34:14 PM

While there is certainly room for improvements, I believe UH has been successful for the most part managing Mauna Kea, and they remain the most qualified governing entity to provide management as efforts are made to develop a more inclusive governance model.

I commend the Mauna Kea Working Group (MKWG) for working to create an alternative to UH's current management plan. However, I have several concerns with the current report:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All mention of "Mauna a Wakea" should be excised from this report. Through time, this mountain of significance has had more than one name used by various groups of people. Currently, it is colloquially referred to as "Mauna Kea," or "Maunakea" as accepted by the official Hawai'i Board on Geographic Names, and the federal government. As such, I believe we should continue using Mauna Kea or Maunakea as this mountain's nomenclature in any tax-payer-hosted document, unless any future name changes are officially made.

Thank you very much for your time and consideration of my comments. I do think it's necessary for change to occur that is inclusive of the very important interests particularly from the Native Hawaiian community, but I believe is also vital for the wellbeing of Hawaii taxpayers and the future of our planet that UH and the astronomy community remain part of Mauna Kea.

Mahalo,
David N. Marsh

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From: [Norman Miyasato](#)
To: [Mauna Kea Working Group](#)
Subject: HR 33, The Exploitation of Mauna Kea
Date: Sunday, January 2, 2022 7:34:15 PM

The State of Hawaii has mismanaged Mauna Kea for decades. Their actions exhibit the greed of a tyrant. If you follow the money, the State, its agents and contractors have benefited while the people who have not given away their share of land claims have minimally benefited. On top of that, the people who have not given away their share are constantly ridiculed and threatened with arrests and fines from people who do not have land claims.

TMT is another example of incompetence. Instead of listening to the people to arrive at a suitable resolution, the State has continued the relentless push to quash the objections and institute a fake solution. The shell game still exists and continues no matter the wisdom of our kupuna who have land claims and know the optimal use of Mauna Kea.

HR 33 does not benefit the people who have land claims. It isn't the right method. The State should listen and make changes to HR 33 to satisfy those with land claims. Otherwise, the history books will show that abuse of power, by those without land claims, towards the rightful owners of Mauna Kea.

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From: [Mariana Monasi](#)
To: [Mauna Kea Working Group](#)
Subject: Testimony submission
Date: Sunday, January 2, 2022 9:41:30 AM

Aloha,

My testimony today comes from someone who spent time on the Mauna in solidarity with Kanaka Maoli's protection against TMT and continued desecration of the summit of this sacred mountain.

The fact is, Hawaiians know how to take care if their land, sea and air. So there shouldn't be any arguing from state, the university, or the international astronomy community, past NO consent.

The state and university have proven many times that they actually cannot be trusted with keeping the public land that they manage and lease out, safe.

Not only has the military wrecked havoc throughout the islands, with no levels of environmental oversight, but the same has been done on the top of the sacred summit of Mauna Kea.

Why would anyone agree to more and bigger when there are already telescopes up there that have leaked and are out of service. The state and the astronomy community has treated the summit like a very expensive junk yard, by not cleaning up their mess and continuing to bring in more.

The plan for Mauna Kea that was released in December needs major revisions. For one, when you've had thousands of people stand on saddle road blocking the road, why would the decisions come from someone who was appointed by the governor?

The mayors and governors have continuously ignored the sovereign right of Hawaiians, as they defend the land that is rightfully theirs to protect. By having a governor appointee, you actually also insure no continuance on projects, as governors change multiple times within a decade alone.

Above are some of the reasons the plan put forth don't work, but the bottom line is TMT should never be built. Listen to the people who have been born of this land and cared for it their whole lives. No means no.

Mahalo,

Mariana Monasi

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From: [Lee Motteler](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on MKWG draft report
Date: Sunday, January 2, 2022 3:53:48 PM

I have had a chance to peruse the draft report of the Mauna Kea Working Group proposing a new management plan for our beloved mountain. I am appalled by the biased content presented, which is based solely on the ancient Hawaiian creation myth. While the study of Hawaiian religion and culture is to be admired, it cannot be the basis upon which we make all our judgments about land use in this modern age. I do not mean in any way to be disrespectful of these beliefs and practices, but I fear that this whole process has been hijacked by a relatively small number of activists who mean to prevent the use of Mauna Kea's summit for astronomy and to restrict access according to guidelines that they choose. This does not reflect the Hawaiian values of openness, welcoming, and sharing embodied in the Aloha Spirit.

Mauna Kea belongs to all of us. In one sense, we are all Hawaiians. If you live in California, you say that you are a Californian. If you live in Oregon, you are an Oregonian, and so on. The people who live in those mainland states, for the most part, did not originate there. Likewise, I submit, I am a Hawaiian, not by blood but by choice. This is my home, where I raised my family, where my eldest son was born. I have a claim on this land that is no less legitimate than those whose Polynesian ancestors came from islands to the south. It follows logically that we all have a claim to Mauna Kea: it is not the exclusive kuleana of a small group of Native Hawaiians to determine everything that happens on the mountain.

Mauna Kea should be an open, multi-use resource. Good management, of course, means that the summit must be used responsibly and respectfully. Hawaiian cultural and religious practitioners must be allowed, and as far as I am aware no one has prohibited or suggested prohibiting such activities on the mountain. But there is no reason that these activities should prevent ongoing use of this premier location for the observation and study of the cosmos. Astronomy and advancing our knowledge of the universe benefits us all beyond measure. Hawaii Island and the state are extremely fortunate to have this world-class resource, and it must not be a victim of the culture war.

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Mauna Kea can be an example for coming together rather than dissent. In a representative government such as ours, democracy dictates that the concerns of all people be considered. If we are to be ruled by those with the loudest voices who argue that theirs is the only way, we are no longer a government of the people. In the case of Mauna Kea, much has been argued about the supremacy of the Hawaiian worldview opposed to the "continental view and values," as is rather revealingly noted in your report. This kind of divisiveness is unfortunate, as it separates us into competing camps and does not encourage agreement or compromise. Isn't it finally time to set aside our differences and accept that we cannot continue to look backward to a mythical past? Isn't it time to look forward?

Aloha and mahalo,
Lee S. Motteler
Pahoa

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From: [BRIAN O'HARA](#)
To: [Mauna Kea Working Group](#)
Subject: Fw: re. State Mauna Kea Taskforce
Date: Sunday, January 2, 2022 10:37:24 PM

As a culturally sensitive 55 year Hawaii State resident with part Hawaiian grandchildren (one attending Kamehameha School, I have followed the TMT controversy carefully. We must get it right to be fair to all interests and to promote peace and harmony in our Aloha state. I think the State House task-force Report is not a fair and wise map for realigning governance on Mauna Kea since it does not offer safeguards for its continued use, in part, as a uniquely valuable astronomy resource. It does correct the grievous former lack of Native Hawaiian leadership input but would cut the UH representation entirely from the Governing Board. It tilts toward Hawaiian cultural activists who seem largely motivated by their activism and wish to dominate and control rather than follow other Hawaiian interests in sharing and developing natural assets for themselves and the larger community. Total control of Mauna Kea by these activists is no longer necessary since the other stakeholders have now indicated their willingness to compromise and share this sacred* mountain's governance more equitably, upholding all its cultural-religious, scientific, recreational, ecological and artistic values. The Astronomy leaders have made it clear they will greatly heed and as much as possible defer to cultural Hawaiian interests. Future mountain management must include wise and respected leaders from the Kanaka Maole Community as well as the University of Hawaii, the Astronomy Community and State Government. For sure, outdated Observatories must be removed while this one, the last, is added.

*a mountain can be spiritually sacred to many beholders and still be uniquely sacred to its first settlers, without their exclusive management!

It is a known fact that many Hawaiians support the TMT and take issue with the activists' more narrow perspectives.

Brian O'Hara MD

Honolulu

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From: [Dan Smith](#)
To: [Mauna Kea Working Group](#)
Cc: [Rep. Gregg Takayama](#); [Sen. Clarence Nishihara](#)
Subject: Comments on the Mauna Kea Working Group
Date: Sunday, January 2, 2022 10:48:20 AM

Mauna Kea working group has an important goal but it should not be allowed to delay construction of the TMT. It seems to me that UH's management of Mauna Kea has overall been good and getting better. The major management failure was the State's failure to enforce the law and arrest -- or at least clear -- protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's.

However, to the extent this effort continues, I have the following comments informed by people who have studied the matter closely:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, or both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. My Native Hawaiian friends tell me that Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. The ali'i abolished the kapu religion over 200 years ago and the State constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also -- probably a majority -- of Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy. Astronomy brought the original Hawaiians to these islands.
5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-supported document should not continue to push this false narrative.

In conclusion, a new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure, including expediting the TMT construction.

As the beneficiary of as an undergraduate working for "big science" physics research, I know that the people of Hawaii, and especially young people, deserve a vigorous astronomy research community including the TMT.

APPENDIX D

Daniel (Dan) C. Smith +1 (808) 462-8346 mobile. Majuro mobile: +692-456-3272

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From: [Healani Sonoda-Pale](#)
To: [Bianca Isaki](#)
Cc: [Mauna Kea Working Group](#)
Subject: Re: KAHEA comments on Mauna Kea Working Group draft report
Date: Sunday, January 2, 2022 6:37:36 PM

Mahalo nui! Great testimony.

> On Jan 2, 2022, at 4:30 PM, Bianca Isaki <bianca@kahea.org> wrote:
>
>
> To whom it may concern,
> Please find attached KAHEA's comments on the Mauna Kea Working Group draft report.
>
> Yours,
> Bianca
> --
> Bianca Isaki, Ph.D., Esq.
> KAHEA: The Hawaiian-Environmental Alliance
> 808.927.5606
> <2022.01.02 KAHEA comment on Mauna Kea Working Group.pdf>

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From: [Donna P. Van Osdol](#)
To: [Mauna Kea Working Group](#)
Subject: COMMENTS ON MAUNA KEA WORKING GROUP DOCUMENT
Date: Sunday, January 2, 2022 4:14:21 PM

Dear Sirs and Madams:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must

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explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Sincerely yours,
(Mrs.) Donna Van Osdol
Mililani, HI

APPENDIX D

From: [Laurie And James](#)
To: [Mauna Kea Working Group](#)
Subject: Working group testimonies
Date: Monday, January 3, 2022 3:37:31 PM

To Whom It May Concern,

Aloha! Mahalo for taking your time to read our concerns for Maunakea.

First of all; the decommissioning of the thirteen telescopes, where would all that o'pala end up? We live on islands, where the "State" motto was to Reuse, Recycle and most of all, to Repurpose!

Just NO, to TMT! We cannot sacrifice people over the latest technology. With all that is happening on Oahu with the leakage of fuel on Red Hill over their aquifers, it's been happening over ten years. The State and whom they put their trust in, the Military, Failed Us, the People! Now, we cannot let this happen on Maunakea, Their aquifers supplies the whole island! Having a whole new entity to Manage Maunakea with the People, is a step moving forward.

The University of Hawaii had over fifty years managing Maunakea, only to Their Benefit and haven't and still Not doing a good job in being good stewards of our Ai'na, the People and our Cultural Beliefs! If it wasn't for our kupuna fighting these entities All these years, the State and UH Would have continue on with no regards to their constituents!

The State, UH, DLNR, Should NOT have a seat or say in Any matter concerning Maunakea, they all had their turn and did nothing to include any ka'naka, ku'ki'ai or Cultural Practioner, who is ma'a to that Ai'na! Maunakea is the Piko for all the Islands.

My next concern is, back in Hawaiian History, we had Kono'hiki, for every District on every Island. Why, cannot, you, the 'State', include people from every Island on this matter? The decisions that will happen for the Mauna will affect all the people of Hawaii and their concerns for their Islands and the people World wide.

We need to concentrate on the living, our homelessness, our keiki, our kupuna, our mental health, our Ai'na, our water sheds, that is what we need to focus on, to live and prosper!

Mahalo for your time

Sincerely,

Laurie Avilla and Ohana

P.o. Box 815

Anahola, Kaua'i, Hawaii

P.s. "WATER IS LIFE"

Sent from my iPad

APPENDIX D

From: [Christoph Baranec](#)
To: [Mauna Kea Working Group](#)
Subject: Feedback on draft report
Date: Monday, January 3, 2022 8:46:47 AM

Aloha Maunakea Working Group,

I commend the Maunakea working group for continuing dialogue on the important issue of managing Maunakea. The group was given an impossible task - finding an alternative governing model for Maunakea that satisfies the belligerent protesters and the rest of our State. **The reality is that the University of Hawaii's management of Maunakea is and has been excellent** and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Maunakea Access Road to prevent the construction of the Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Maunakea. The telescopes on Maunakea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Maunakea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Maunakea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Maunakea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Maunakea.
4. All implication that Maunakea is "sacred" to all Native Hawaiians should be removed. Maunakea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Maunakea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. The ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Maunakea is sacred, or who think its sacredness is enhanced by the use of Maunakea for astronomy.
5. All mention of "Mauna a Wakea" should be excised from this report. Maunakea is not

APPENDIX D

named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo no kou manawa,
Christoph Baranec
Resident and voter of Hilo, Hawaii

APPENDIX D

From: [Bonnie Bee](#)
To: [Mauna Kea Working Group](#)
Subject: Sacred Mauna Kea Addendum : Public Comment ~ Mauna Kea Working Group Report
Date: Monday, January 3, 2022 6:50:21 PM

From: Bonnie Bee <recallbherenow@hotmail.com>
Sent: Saturday, January 1, 2022, 9:15 PM
To: maunakeawg@capitol.hawaii.gov
Subject: Sacred Mauna Kea Addendum : Public Comment ~ Mauna Kea Working Group Report

PO Box 30848
Anahola, Kaua'i Hawai'i
96703-0848

1 January 2022

To Whom it May Concern,

ALOHA !!!

Gratefully, we appreciate the opportunity to offer comment on the Mauna Kea Working Group's report on proposed new governing entity of management of sacred Mauna Kea.

Thirteen (13) observatories atop
sacred Mauna Kea are thirteen (13) too many.

The University of Hawaii has committed to no more than nine (9) operating 'astronomy facilities' on Mauna Kea by
31 December 2033; with decommissioning one rubbish desecration, named Hoku Ke'a
whereas, seemingly illogical - - -
as the following disclosure excerpt reveals:

" ... The Hoku Ke'a decommissioning plan reviewed in the DEA includes the safe and proper removal of two buildings and supporting infrastructure, and restoration of the site
TO ITS ORIGINAL STATE, AS MUCH AS POSSIBLE ... "

("Meeting on Hoku Ke'a telescope decommissioning Wednesday"
"The Garden Island" 09/21/2021 p A4)

In other words...a caveat - - - - -

It's stating that it's impossible to restore the sacred `āina to it's original condition...

This is unacceptable.

Furthermore, decommissioning five (5) telescopes by the end goal of alignment of the

APPENDIX D

University of Hawaii's commitment
by 31 December 2033,
to have nine (9) operating 'astronomy facilities'
is preposterous.

It's impossible - to safely and properly remove and clean up five (5) telescopes i.e. 'astronomy facilities' with their associated hazardous waste & contamination and restore the sacred `āina to it's original state.

Is the underlying reason to remove the University of Hawaii from management of sacred Mauna Kea to extend the time-frame to facilitate accommodation of the TMT ? !

Lastly, the proposed new governing entity for the top of the tallest mountain on earth
- from seabed - ~ Sacred Mauna Kea ~

Ought not be foreshadowed by possibility of conflict-of-interest:

No appointment to the proposed new management or governing body for stewardship of sacred Mauna Kea by a person(s) from the astronomy field, please ! ! !

To reiterate:

No one, any person(s) affiliated in the field of astronomy - - -

No person(s) associated or in alliance or collaboration with the astronomy field; shall not participate or be recommended in any involvement in an advisory capacity for new management or advisory entity for sacred Mauna Kea.

MAHALO Nui ! ! ! !

Sincerely With ALOHA,

Bonnie P. Bator and `Ohana
(Keana`aina, Keli`ikoa, Kai`aokamalie and Kai)

APPENDIX D

From: [Bonnie Bee](#)
To: [Mauna Kea Working Group](#)
Subject: Sacred Mauna Kea Addendum : Public Comment ~ Mauna Kea Working Group Report
Date: Monday, January 3, 2022 6:51:53 PM

9th

From: Bonnie Bee
Sent: Saturday, January 1, 2022 9:15:47 PM
To: maunakeawg@capitol.hawaii.gov <maunakeawg@capitol.hawaii.gov>
Subject: Sacred Mauna Kea Addendum : Public Comment ~ Mauna Kea Working Group Report

PO Box 30848
Anahola, Kaua'i Hawai'i
96703-0848

1 January 2022

To Whom it May Concern,

ALOHA !!!

Gratefully, we appreciate the opportunity to offer comment on the Mauna Kea Working Group's report on proposed new governing entity of management of sacred Mauna Kea.

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APPENDIX D

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- from seabed - ~ Sacred Mauna Kea ~

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To reiterate:

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No person(s) associated or in alliance or collaboration with the astronomy field; shall not participate or be recommended in any involvement in an advisory capacity for new management or advisory entity for sacred Mauna Kea.

MAHALO Nui ! ! ! ! !

Sincerely With ALOHA,

Bonnie P. Bator and `Ohana
(Keana`aina, Keli`ikoa, Kai`aokamalie and Kai)

APPENDIX D

From: [Cathie Becker](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: Mauna Kea Working Group Proposals
Date: Monday, January 3, 2022 8:51:46 PM

Aloha Mauna Kea Working Group,

I am writing to offer my comments regarding the proposals by the Mauna Kea Working Group. I understand these comments are requested to be given by 4:30 January 4th. Here are my thoughts.

I am a retired educator and also an amateur astronomer; this astronomy community is one of the reasons I decided to retire here. I currently volunteer to assist at community astronomy events and I recognize how proud, aware, and respectful local Hawaiians are of astronomy and of their Kona hero, Ellison Onizuka. Almost all schools on the big island have organized a yearly field trip to the Ellison Onizuka Space Center (located at the Kona airport but now removed). Generations of children were introduced to astronomy from this source.

I commend the Mauna Kea working group for continuing the dialogue on the important issue of managing Mauna Kea as this group was given the very difficult task. I have read the proposals and, unfortunately, am quite disturbed by their implications. I hope the legalities of each proposal are becoming both clear and of concern to all but I will not focus on this troubling aspect.

My first concern is the disregard for the astronomy community. They are not being ignored, they are intentionally being left out of the management and the future of this amazing mountain. The Astronomy community has supplied billions of dollars to the state in forms of employment, community support, academic support and solid academic programs that draw students worldwide. It offered an economic life jacket to a struggling Hawaiian economy after the tsunami. In addition, early seafaring Hawaiians were also de facto astronomers with their awareness of the night sky and the technical navigational skills; this aspect of the community continues today with Hokule'a navigation.

Another concern is the disregard of the TMT. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's.

My third concern is that, to me, the draft seems predicated on a long standing cultural/spiritual belief about sacred grounds and this is the sole determinant of governance of an enormous resource. I appreciate this Hawaiian cultural belief and what they consider the truth, but we are a diverse population and we ought not (and, to my mind, MAY not under the State and Federal Constitutions) establish native Hawaiian entities whose guiding principles are explicitly based on a spiritual belief and whose membership is non-representative of the majority of the residents of the Hawaiian Islands (based on civil beat poll, August 2019) .

I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

Mahalo for your efforts and for reading my concerns.

~Cathie Becker
Kailua-Kona
808-747-7702

APPENDIX D

From: [Hannah Bish](#)
To: [Mauna Kea Working Group](#)
Subject: comments on Mauna Kea Working Group recommendations
Date: Monday, January 3, 2022 10:15:22 AM

Hello,

I am an astronomy PhD student at the University of Washington. The future of Mauna Kea is closely connected to the future of my career -- large ground based observatories like TMT have the potential to transform our understanding of galaxies like the ones I study.

In my opinion, respecting indigenous sovereignty by returning this sacred site to Hawaiians is far more important than telescope observations could ever be. As such, I would like to repeat and amplify the recommendations of KAHEA: The Hawaiian-Environmental Alliance:

Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." Id. at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described infra Part 3.

No framework to implement traditional k  n  wai

The Draft Report describes traditional k  n  wai, including Kai'ok  ia K  n  wai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional K  n  wai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional k  n  wai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a W  kea." Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the k  n  wai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with

APPENDIX D

traditional kānāwai - no further development on Mauna Kea.

Remove the Governor's power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." Id. at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the opposite lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. *Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group.* Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

With hope for a just future,
Hannah Bish

--

Hannah Bish
Astronomy Graduate Student
University of Washington

APPENDIX D

From: [Tom Blackburn](#)
To: [Mauna Kea Working Group](#)
Subject: MKWG Draft Report Comments
Date: Tuesday, January 4, 2022 2:25:55 PM

The Mauna Kea Working Group Draft Report provides welcome, and overdue, recognition of the need for more direct Native Hawaiian involvement in decision-making about the use of Mauna Kea. It also nicely explicates the special relationship between Native Hawaiian individuals and the ‘āina, which should certainly inform planning and management to a substantial degree going forward. It remains unclear, however, that there is need for an entirely new management organization to meet these goals. OMKM management of Mauna Kea lands has improved dramatically since the critical 1998 State Auditor’s Report, while progress still needs to be made with respect to the particular aspects of management mentioned above. Improvements since 1998 were not acknowledged nor outlined by this report. Instead, the Draft Report focuses on these current shortcomings of OMKM management, as it gives an insufficient nod to the “many stakeholders” with interests in Mauna Kea. So, it’s rather unclear that the Governing Entity described in the report would be one to serve the broader goals of the many interests in the mountain.

A prime example is astronomy, a critical activity on the mountain, with the summit being the best observational vantage point in the Northern Hemisphere, if not the entire world. In addition to being a world-class arena to advance scientific knowledge, it is an important driver of economic activity and jobs for Hawai’i Island and for the state. It provides over 1000 Hawai’i Island jobs directly, and was calculated to have \$168 million dollars of direct and indirect contribution to the state’s economy in 2014, making it one of the top five economic activities in Hawaii.

Despite the importance of astronomy, the MKWG Draft Report makes almost no mention of any of this value. In addition to an explicit charge to the Governing Entity to limit astronomy development on the mauna, the tenor of the report seems to be aimed toward marginalizing astronomy while slowly squeezing it out of existence on a broader scale. There absolutely should be a representative from the astronomy community on any eventual Governing Entity. This is especially true given the report’s statement that the “Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea.” Apart from the tremendous power allocated to the Governing Entity that is inherent in this statement, it suggests that the expertise and traditional roles of other state agencies might be minimized or circumvented as land use decisions are made and implemented.

It’s also unclear what the phrase “the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to it’s natural state” means. Does this refer to landscape restoration to its natural state as individual observatories are decommissioned (which has long been part of any plan for such), or perhaps to simply decommissioning the whole of astronomy?

Many astronomy opponents seem to have the goal of ridding the mauna entirely of astronomical activity. But a very large number, perhaps even a majority, of residents of both Hawai’i Island and the entire state would like to see a model partnership of science and indigenous culture developed for Mauna Kea. It could be a visionary example for the entire world. The Governing Entity, as outlined in draft form, does not seem to be predisposed toward this kind of visionary partnership at all. Perhaps more importantly, it would also appear to miss representing the wishes of a large part of the state, including those of many Native Hawaiians.

Respectfully submitted,
Thomas Blackburn
Kailua Kona

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: TMT
Date: Monday, January 3, 2022 10:50:38 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Margaret Anderson <margea.az@gmail.com>
Date: Sat, Jan 1, 2022 at 2:56 PM
Subject: TMT
To: <bor.testimony@hawaii.edu>

Please let UofH continue management of Mauna Kea. The States failure to uphold the law is our real problem.

Let us look to our future & the needs of all people. Not back to the past & a few selfish persons.

Marge Anderson

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: MKWG or UH management
Date: Monday, January 3, 2022 10:48:25 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Paul Baillie** <baillieandsons@yahoo.com>
Date: Sat, Jan 1, 2022 at 1:43 PM
Subject: MKWG or UH management
To: bor.testimony@hawaii.edu <bor.testimony@hawaii.edu>

Aloha

I am in full agreement with Sam King's comments regarding the Mauna Kea working group's proposal and feel that keeping the University of Hawaii in charge of management of astronomy on the mountain is in the best interest of ALL of the people of Hawaii, not just the vocal minority opposed to any non-traditional uses of the mountain. As a resident of the big island for over 50 years and having worked on the construction of the Canada France Hawaii telescope back in the 70s, I am well aware of how beautiful and large Maunakea is and that there is room for many different needs and activities to be filled.
Thank you, Paul Baillie

[Sent from Yahoo Mail on Android](#)

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Proposal
Date: Monday, January 3, 2022 10:44:17 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Barnaby Beech** <barnabybeech@gmail.com>
Date: Sat, Jan 1, 2022 at 11:45 AM
Subject: Proposal
To: <bor.testimony@hawaii.edu>

Dear Sirs:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

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2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

I urge the panel to consider these points in deciding how to proceed regarding the management of Mauna Kea.

The failure to do so for a project which offers so much economic and educational reward in proportion to its' general footprint would encumber Hawaii's hopes for the future while keeping its' eyes fixed firmly on the past.

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea
Date: Monday, January 3, 2022 11:09:49 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Di Bernert** <dibernert@gmail.com>
Date: Mon, Jan 3, 2022 at 9:31 AM
Subject: Mauna Kea
To: <bor.testimony@hawaii.edu>

To Whom It May Concern:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

Mahalo,
Dianne Bernert

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Draft Report by the Mauna Kea Working Group on Mauna Kea Management
Date: Monday, January 3, 2022 10:44:00 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Bett Bidleman <gardenaloha@icloud.com>
Date: Sat, Jan 1, 2022 at 11:44 AM
Subject: Draft Report by the Mauna Kea Working Group on Mauna Kea Management
To: <bor.testimony@hawaii.edu>

I am writing about the recommendation by the Mauna Kea Working Group to remove management of Mauna Kea by UH. I disagree with their recommendation and believe it is not in the best interests of the citizens of the State of Hawaii.

This working group appears to be an attempt by a minority faction in Hawaii to further obstruct astronomy on Mauna Kea. Its findings represent a narrow interest that is not compatible with moving our state forward beyond merely a place for people to vacation. The university has at the least an academic relationship with the astronomers, and UH-Hilo at the least is a local party vested in promoting industry that provides high paying jobs for the youth on the Big Island, where I am a full-time resident. This working group appears to be a political concoction that has demonstrated minimal interest in that cause, instead seeking to blame astronomers and the university for the failings of state government in addressing the poor living circumstances of so many native Hawaiians.

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I do not buy their story one minute that “their” mountain is somehow more “sacred” than all the land of Hawaii. It’s a show they’re putting on to get attention. And I don’t buy the idea that the State legislature is suddenly so concerned about this concocted sacredness that they must wrestle away UH governance because their working group somehow knows best how to manage Mauna Kea. It’s a political stunt that cares little about the mountain, but plenty about accumulating more power to the detriment of the rest of us.

Hands off the mountain and astronomy, State legislature. I read daily in Civil Beat about how you are mismanaging this state. I read constantly that Hawaiian residents desire to diversify their economy, and yet here you are throwing one more monkey wrench at that possibility. You don’t need one more thing on your plate to mismanage!

Sincerely,
Bett Bidleman
45-2805 Lehua Mauka Place
Honoka’a, HI. 96727

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Support of TMT
Date: Monday, January 3, 2022 10:54:49 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Patricia Cadiz** <pbc5@mac.com>
Date: Sat, Jan 1, 2022 at 4:17 PM
Subject: Support of TMT
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I agree with the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

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3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

With aloha,
Patti Cadiz
Sent from my iPhone

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea Working Group - I strongly support your Plan for the Mauna
Date: Monday, January 3, 2022 11:05:39 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Joycelyn <hazwell@gmail.com>
Date: Sun, Jan 2, 2022 at 10:36 AM
Subject: Mauna Kea Working Group - I strongly support your Plan for the Mauna
To: <bor.testimony@hawaii.edu>

I strongly support your plan for Mauna Kea!

Joycelyn Cameron

Sent from my iPad

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Supporting Mauna Kea and the TMT
Date: Monday, January 3, 2022 10:47:57 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Irene Eklund <reneskel@gmail.com>
Date: Sat, Jan 1, 2022 at 12:49 PM
Subject: Supporting Mauna Kea and the TMT
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

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3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

With much Aloha,
Nels & Evelyn Eklund
Na'alehu
Big Island, Hawaii

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From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mkauna Kea Telescope
Date: Monday, January 3, 2022 10:54:01 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: John Flanigan <johnf@hawaii.edu>
Date: Sat, Jan 1, 2022 at 3:27 PM
Subject: Mkauna Kea Telescope
To: <bor.testimony@hawaii.edu>

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i

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abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Comment on the MKWG draft
Date: Monday, January 3, 2022 10:50:56 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Peter Fuleky** <fuleky@hawaii.edu>
Date: Sat, Jan 1, 2022 at 2:59 PM
Subject: Comment on the MKWG draft
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH' is taking the management of Mauna Kea seriously and the main management failure of late has been the State's failure to enforce the law and enable the construction of the Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

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3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All mention of "Mauna a Wakea" should be removed from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact.

Mahalo nui loa,

Peter Fuleky

Sent from my iPhone

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea Working Group comment Jan 4, 2022
Date: Monday, January 3, 2022 10:36:10 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Howard Hall <hhall9@icloud.com>
Date: Sat, Jan 1, 2022 at 10:48 AM
Subject: Mauna Kea Working Group comment Jan 4, 2022
To: <bor.testimony@hawaii.edu>
Cc: Howard Hall <hhall9@icloud.com>, Pat Hall <pat.hall9@icloud.com>

Mauna Kea Working Group:

We commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the small group of TMT protesters while also satisfying the wishes of the majority of the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it is not the objective of the majority of the people on the Big Island nor of the State. We believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this Working Group effort continues on, we have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii; preferably both.

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2. The report should explicitly state that if this newer plan is adopted, the protesters will agree to cease all further protest against the Thirty Meter Telescope.

3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, and who also think its sacredness is enhanced by the use of Mauna Kea for the ancient historical pursuit of astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-funded document should not continue to push this false narrative and modern fictitious construct.

In short, it would clearly be better to simply scrap this proposed plan and continue forward with the current UH management structure under UH's new master plan, especially for purposes of building TMT, and for the continued use of Mauna Kea for astronomy.

Mahalo nui loa,
Howard and Patricia Hall

Waimea, Big Island Hawaii

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: comment on House Mauna Kea Plan
Date: Monday, January 3, 2022 11:05:13 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **David Harker** <kawika543@gmail.com>
Date: Sun, Jan 2, 2022 at 7:32 AM
Subject: comment on House Mauna Kea Plan
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

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3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea and TMT
Date: Monday, January 3, 2022 11:05:24 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: <ken@withers-hirsch.com>
Date: Sun, Jan 2, 2022 at 8:22 AM
Subject: Mauna Kea and TMT
To: <bor.testimony@hawaii.edu>

Members of the Working Group:

While I commend the members of the MKWG for their efforts in devising a governance system that addresses the many competing and contradictory issues involved, I fear that the draft report that has released increases, rather than decreases those issues.

1. The report specifically excludes UH and the various astronomy entities from involvement in the governance system. This is akin to establishing a compromise which specifically excludes from involvement major parties to the negotiation. Any governance system which excludes membership of UH and astronomy entities is no more valid than a governance system which excludes membership of Native Hawaiians.

2. I am not Native Hawaiian, and cannot claim special knowledge of that which is and that which is not sacred per Native religion. However, I do have several Native Hawaiian friends, and they differ in their views as to whether or not Mauna Kea is sacred at all, and others differ in their interpretation of the meaning of that sacredness. Like most religions, this faith is not monolithic; some members feel there should be no encroachment on Mauna Kea at all, and others feels the sacredness of Mauna Kea would be enhanced, not diminished, by continued use of the mount for astronomical purposes, including specifically the TMT. This is an issue for discussion and negotiation, not dictum.

3. I fail to understand any reasonable rationale behind specifying that HRS 103 and HRS 205A should have any involvement in the governance process. These statutes relate to forest reserves and coastal lands respectively, neither of which have anything to do with Mauna Kea, as it is neither forested nor coastal. There is no justifiable reason for these statutes to be integral to - or even remotely involved in - the Mauna Kea governance process.

I respectfully submit that based upon the foregoing, the draft report should be rescinded.

APPENDIX D

Kenneth Hirsch

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea comments...
Date: Monday, January 3, 2022 10:35:21 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Haydn Huntley <haydn.huntley@gmail.com>
Date: Sat, Jan 1, 2022 at 10:29 AM
Subject: Mauna Kea comments...
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest

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reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

--Haydn

Haydn Huntley
cell: 808-283-5173

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: HR33 HD1 Comments
Date: Monday, January 3, 2022 11:08:33 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Carolyn <c.kaichi2001@gmail.com>
Date: Mon, Jan 3, 2022 at 8:12 AM
Subject: HR33 HD1 Comments
To: <bor.testimony@hawaii.edu>

I would like to add my voice to this subject even though I have taken this template from someone more eloquent than myself. I strongly agree with everything in this message and hope you will take us "silent majority" supporters into consideration and not bend to the will of the more vocal and aggressive minority.

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the

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management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,
Carolyn Kaichi

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Comments to upcoming Mauna Kea plan
Date: Monday, January 3, 2022 10:41:53 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **velora kane** <velorakane@hawaiiintel.net>
Date: Sat, Jan 1, 2022 at 11:05 AM
Subject: Comments to upcoming Mauna Kea plan
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the **major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.**

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the

APPENDIX D

summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

V Kane

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: MAUNA KEA MANAGEMENT PLAN
Date: Monday, January 3, 2022 10:34:59 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: gary kato <jiggyhono@hotmail.com>
Date: Sat, Jan 1, 2022 at 10:26 AM
Subject: MAUNA KEA MANAGEMENT PLAN
To: <bor.testimony@hawaii.edu>

To Whom It May Concern,

I believe the current UH management of Ma una Kea has been excellent, and should not be changed.

Any effort to placate the protestors is futile, as they won't be satisfied till the TMT project is scrapped completely and the rest of the observatories are demolished. The state has failed in its duty to arrest the protesters and clear the way for building the TMT which benefits all the people in the State of Hawaii.

Gary Kato

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Please comment on House Mauna Kea Plan!
Date: Monday, January 3, 2022 10:43:02 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **chris king** <kingces95@gmail.com>
Date: Sat, Jan 1, 2022 at 11:13 AM
Subject: Fwd: Please comment on House Mauna Kea Plan!
To: BOR Testimony <bor.testimony@hawaii.edu>

I agree that the house draft plan should be scrapped.

----- Forwarded message -----

From: **Imua TMT** <imuatmt@gmail.com>
Date: Sat, Jan 1, 2022 at 10:00 AM
Subject: Please comment on House Mauna Kea Plan!
To: <kingces95@gmail.com>

APPENDIX D



'Ai Noa!

Aloha TMT Supporters,

Happy Holidays, Hau'oli Makahiki Hou and Happy New Year!

On January 4, 2022 at 4:30pm, comments are **due** on the [draft report](#) produced by the [Mauna Kea Working Group](#) (MKWG). The MKWG was convened as a result of the House of Representatives resolution [HR33 HD1](#) during the last legislative session. The MKWG has been meeting for the last six months to author a governance model for Mauna Kea that is an alternative to UH's current management.

Unfortunately, the proposal created is flawed in numerous respects and it would

APPENDIX D

actually be better to simply scrap this proposed plan and continue forward with the current UH management structure under UH's new master plan. Please submit comments supporting continued management by UH, especially for purposes of building TMT, and for the continued use of Mauna Kea for astronomy. You can email comments to:

maunakeaWG@capitol.hawaii.gov

Please send comments by January 4, 2022, 4:30 pm!

Here is a **draft comment** to give you ideas. Feel free to use it verbatim or to type your own message from the heart:

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

APPENDIX D

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our aliʻi abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

Sam King
Executive Director
Imua TMT

Check out Imua TMT's brochure. Please paste it into any online discussions you get involved in and share with all your friends!

[Brochure](#)

Mahalo for all the community support! Your donations keep Imua TMT online and advocating.

[Make a Donation](#)

Please check out Imua TMT's resources page containing links to many articles, videos, and presentations sharing why the people of Hawaii support TMT:

[Imua TMT Resources](#)

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Please share the link below with any friends and family who wish to be added to our email list!

[Join Us](#)

Sign Mailani Neal's petition in support of TMT!

[Sign the Petition!](#)

Check out the panel discussions on Imua TMT's Facebook page to see Native Hawaiians speaking out in favor of TMT:

[Panel Discussions](#)

Below are some links to our online shop and calendar of events as well.

[Online Shop](#)

[Upcoming Events](#)



You are receiving this email because you support TMT.

APPENDIX D

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Our mailing address is:

ImuaTMT
PO Box 38118
Honolulu, HI 96837-1118

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Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#).

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Brief testimony
Date: Monday, January 3, 2022 11:03:48 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Rich Morrow** <richmorrow0@gmail.com>
Date: Sat, Jan 1, 2022 at 8:10 PM
Subject: Brief testimony
To: <bor.testimony@hawaii.edu>

Aloha,

Mauna Kea is not sacred to Native Hawaiians. The kapu religion is dead. The ali'i abolished the kapu religion over 200 years ago. Any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

The ancient kapuna would recognize the need to understand the universe, and would support science.

Richard Morrow

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From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: re. State Mauna Kea Taskforce
Date: Monday, January 3, 2022 11:05:54 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: BRIAN O'HARA <brianoharamd@prodigy.net>
Date: Sun, Jan 2, 2022 at 4:05 PM
Subject: re. State Mauna Kea Taskforce
To: bor.testimony@hawaii.edu <bor.testimony@hawaii.edu>

As a culturally sensitive 55 year Hawaii State citizen with part Hawaiian grandchildren (attending Kamehameha School) I have followed the TMT controversy carefully. We must get it right to be fair to all interests and to promote peace and harmony in our Aloha state. I think the State House task-force Report is not a fair and wise map for realigning public activities on Mauna Kea since it does not offer safeguards for continued use in part as a fantastic Astronomy resource. No longer would the UH be on the Advisory Board. It tilts toward Hawaiian cultural activists who are mostly motivated by their activism and wish to dominate and control rather than follow other Hawaiian cultural interests in sharing and developing natural assets for themselves and the larger community. Total control of Mauna Kea by these activists is not necessary since all legitimate other sides are willing to compromise and share the sacred* mountain's use respectfully for cultural-religious, scientific, recreational, ecological and artistic values. Future mountain management must include wise and respected leaders from the Kanaka Maole Community as well as wise and appropriate experts from the University of Hawaii, the Astronomy Community and State Government. For sure, outdated Observatories must be removed while this one, the last, is added.

*a mountain can be artistically or spiritually sacred to many beholders and still be sacred differently to a special historic cultural group, without their exclusive management!
It is a known fact that MANY Hawaiians support the TMT and oppose the narrow activists' position as a singular mistake.

Brian O'Hara MD

Honolulu

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Let UH run Mauna Kea
Date: Monday, January 3, 2022 11:04:08 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: PAMELA <pamelawang@hawaii.rr.com>
Date: Sat, Jan 1, 2022 at 8:35 PM
Subject: Let UH run Mauna Kea
To: <bor.testimony@hawaii.edu>

I think the best plan is to let UH continue to oversee Mauna Kea and get TMT a built already!

Aloha , Pamela. :i:

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: MKWG proposal
Date: Monday, January 3, 2022 10:34:23 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Christine
Office of the Board of Regents



----- Forwarded message -----

From: **Douglas Perrine** <douglasperrine@yahoo.com>
Date: Sat, Jan 1, 2022 at 10:26 AM
Subject: MKWG proposal
To: bor.testimony@hawaii.edu <bor.testimony@hawaii.edu>

Aloha Kakou -

I object to the creation of a new management structure designed explicitly to empower a group that holds a minority view regarding the future of Maunakea, and to enable it to prevail over the majority of citizens who support a future for astronomy, and specifically for the TMT, at this location. The proposed exclusion of the astronomy community from participating in the planning is clear evidence of bias and an intent to achieve by political manipulation an outcome that is contrary to the desires of the majority of Hawaii citizens. This power grab is an insult to those brave warriors who died at Kuamo'o to defend the monarchy against insurgents seeking to restore the kapu system. The forward-looking Hawaiian monarchy was correct then that science and equality would better serve the people of Hawaii than superstition and a caste system, and that belief is still correct today. I support the current management structure under UH and our democratic governance and court system, which have, after years of challenges, ruled that construction of TMT may proceed. The TMT will produce great benefits for Hawaii, whereas a return to the kapu system will produce the converse. I believe strongly in the rights of all people to practice the religion of their choice, but not in giving priests of any religion power over the lives of the rest of us.

Sincerely,
Douglas Perrine

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From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: House Mauna Kea Plan
Date: Monday, January 3, 2022 10:55:39 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Rick Robinson <grirobins@aol.com>
Date: Sat, Jan 1, 2022 at 4:54 PM
Subject: House Mauna Kea Plan
To: <bor.testimony@hawaii.edu>

It would be better to allow UH to continue to manage the mountain and the scientific facilities on the Mountain. Lets not throw the baby out with the bath water.

George R. (Rick) Robinson
P. O. Box 430
Kealahou, HI 96750
grirobins@aol.com
808-224-0638

Sent from [AOL Desktop](#)

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea Telescope
Date: Monday, January 3, 2022 10:49:29 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: <rznail@aol.com>
Date: Sat, Jan 1, 2022 at 2:49 PM
Subject: Mauna Kea Telescope
To: bor.testimony@hawaii.edu <bor.testimony@hawaii.edu>

I think we should be able to build the telescope it will help not hurt I respect the protesters but think building it would be a great asset to science and Hawaii. Frank Ruiz 808-3414262 in Waianae.

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From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: TMT
Date: Monday, January 3, 2022 10:59:20 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Judith Scheu** <juscheu@mac.com>
Date: Sat, Jan 1, 2022 at 8:07 PM
Subject: TMT
To: <bor.testimony@hawaii.edu>

I support the TMT construction. My understanding is that the present UH governance would be better than the latest proposal. I hope that this project can move forward to benefit science and the state of HI. Thank you for your thoughtfulness regarding this important project.
Judith Scheu

Sent from my iPhone

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From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: TMT
Date: Monday, January 3, 2022 8:51:22 AM

Mahalo,
Christine Okada
Office of the Board of Regents



----- Forwarded message -----

From: **Jon Sobstad** <jonstad1122@yahoo.com>
Date: Sat, Jan 1, 2022 at 10:13 AM
Subject: TMT
To: bor.testimony@hawaii.edu <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers

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"forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Mauna Kea Working Group Draft Report
Date: Monday, January 3, 2022 10:35:48 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Eric Takasugi <eric.takasugi@gmail.com>
Date: Sat, Jan 1, 2022 at 10:38 AM
Subject: Mauna Kea Working Group Draft Report
To: <maunakeaWG@capitol.hawaii.gov>, <bor.testimony@hawaii.edu>

To whom it may concern,

My name is Eric Takasugi, a resident of Kona and a supporter of astronomy and the Thirty Meter Telescope on the Big Island of Hawai'i.

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

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2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Thank you for your time.

Sincerely,
Eric Takasugi

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Opposition to MKWG Proposal
Date: Monday, January 3, 2022 11:08:44 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Christopher Tipton <catipton@gmail.com>
Date: Mon, Jan 3, 2022 at 8:24 AM
Subject: Opposition to MKWG Proposal
To: <bor.testimony@hawaii.edu>

Aloha,

I would like to voice my opposition to the MKWG's proposal to replace the current governance model for Mauna Kea. The current model under UH's governance is better than this proposed alternative. The shutdown of the access road was not a failure of UH but a failure of the state government to enforce its own laws against those protestors violating them by blocking the road. As many protestors will tell you, they're not opposed to the TMT itself but rather of how the state has treated them in the past. These grievances are legitimate but should not further delay the TMT nor remove UH from managing Mauna Kea.

Regards,

Chris Tipton

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Comment on Mauna Kea Plan...
Date: Monday, January 3, 2022 11:04:40 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: <aet002@hawaiiantel.net>
Date: Sat, Jan 1, 2022 at 9:02 PM
Subject: Comment on Mauna Kea Plan...
To: <bor.testimony@hawaii.edu>

Dear Working Group...

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

Aloha, Alvin Toda

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: MKWG Draft Report
Date: Monday, January 3, 2022 10:43:20 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: Valerie Weiss <valerieweiss31@gmail.com>
Date: Sat, Jan 1, 2022 at 11:35 AM
Subject: MKWG Draft Report
To: <bor.testimony@hawaii.edu>

Aloha

I am not in favor of time delays by having any new agency.

I am in strong favor of the UH's new proposal plan.

Please be sure though that the astronomy industry is allowed a vote.

HRS183 and or HRS205A is not applicable and should not be used for Mauna Kea.

Mahalo

Valerie Weiss
Kapaa HI

APPENDIX D

From: [BOR Testimony](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: TMT Supporter
Date: Monday, January 3, 2022 10:49:05 AM

To Whom It May Concern:

We are forwarding, for your reference, several emails that appear to have been meant for the Mauna Kea Working Group but were inadvertently sent to our office.

Mahalo,
Office of the Board of Regents



----- Forwarded message -----

From: **Pete Wilson** <perhansahi@gmail.com>
Date: Sat, Jan 1, 2022 at 2:14 PM
Subject: TMT Supporter
To: <bor.testimony@hawaii.edu>

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

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3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

--

Pete Wilson
13-927 Kahukai Street
Pahoa HI 96778
808-557-8108

APPENDIX D

From: [Cheryl B](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: mkea
Date: Monday, January 3, 2022 4:27:22 PM

TO: Mauna Kea Working Group
January 3, 2022

Aloha,

Thank you for accepting our comments on the draft report of HE LĀ HOU KĒIA
MA MAUNA A WĀKEA: A NEW DAY ON MAUNA A WĀKEA.

We agree that there should be “a plan to return the Mauna above 9,200 feet
elevation to its natural state”. We appreciate that the draft included all the
details of the sacredness of Mauna Kea and believe that any legislative bills
written should include all of the following:

A portion of the He Mele No Kauikeaouli chant

Kumu Kānāwai: The Native Hawaiian Concept of Environmental Kinship

Ho‘okikī Kānāwai

Kua‘ā Kānāwai

Kai‘okia Kānāwai

Kīho‘iho‘i Kānāwai

Kānāwai Kūikawao

Kānāwai Kāmilohae and Kūha‘imoana

Kānāwai Pahulau

Kānāwai Ulu La‘au

HISTORICAL AND CULTURAL SIGNIFICANCE OF MAUNA A WĀKEA
NO KA HONUA, CONCERNING THE EARTH

Under CHAPTER 2 HOUSE RESOLUTION 33 (page 15) Resolution No. 33,
H.D. 1, (Regular Session of 2021) is said to have been adopted to reconcile the
University of Hawai‘i “mismanagement, mistrust, and polarization”. While
convening the Working Group to “develop recommendations for a new
governance and management structure for Mauna a Wākea” may be in the best
interest of the community and particularly Native Hawaiians, we believe it was
done in conjunction with HB499 as an underhanded and dishonest way of
allowing extension of land leases including those for lands on Mauna Kea to
continue into the future.

HB499 states, “*The purpose of this Act is to authorize the board of land and
natural resources to extend commercial, industrial, resort, mixed-use, or
government leases, other than those to which the University of Hawaii is a
party, that have not been sold or assigned within the last ten years, for lessees
who commit to substantial improvement to the existing improvements.*” As
such, we believe there needs to be a statement that any entity that takes over UH
management of Mauna Kea will be considered an extension of UH management
for the remaining timeframe of any leases and at the end of those leases, any
extensions would be considered “new” and “not assigned within the last ten
years” for purposes of dealing with the provisions of HB499 to help ensure no

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more “mistrust, mismanagement and polarization”. .

Under CHAPTER 3 A NEW GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA A WĀKEA it states that Governing Entity board seat “nominees” will have their names “submitted to the Governor for selection”. We feel that this would be a grave injustice to the entire process to allow the Governor to select almost all of the members. Instead, we believe members should be selected and appointed by Native Hawaiian support organizations and detailed in a legislative bill effectively transferring that power from HRS 26-34 to a more equitable process and approach for Native Hawaiians. We believe that it undermines the credibility of the governing entity to have a member of the astronomy community on the board. If a person has a personal or financial interest that compromises or could compromise a board member’s independence of judgement in exercising their responsibilities, it leads to distrust amongst the community of the entire process and also possible legal ramifications.

We believe that any new Governing Entity should be prohibited from allowing an increase in astronomy facilities or an astronomy development footprint atop Mauna a Wākea. It is time to stop the industrial development on this sacred piko.

It is time to stop the constant efforts to occupy and control Native Hawaiian lands. It is time to legislate the return of Mauna Kea to the Hawaiian people.

Thank you for your time.

W. Green
C. Burghardt

APPENDIX D

From: [Meredith Cross](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Comments
Date: Monday, January 3, 2022 9:21:30 AM

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities

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towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3.

Remove the Governor’s power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH’s dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a “Governing Entity,” comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the “sole authority” over management of “state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea.” *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai‘i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor’s appointment.

One issue that remains unresolved in the draft report is whether or not a representative from

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the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, “significant, substantial, and adverse harm” to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,
Meredith Cross
Kapaa, HI

APPENDIX D

From: [Lloyd Dunn](#)
To: [Mauna Kea Working Group](#)
Subject: Why I support TMT
Date: Monday, January 3, 2022 4:08:43 AM

1. Thirty Meter Telescope is all about astronomy and science. U.H. management is acceptable.
2. With regard to Hawaiians protests, it is well known that the majority of Hawaiians support the TMT because the original Hawaiians WERE Astronomers.
3. Many of the people supporting protests are not full-blooded Hawaiians. They are part something else, and frequently more something else. If you are 25% Hawaiian and 75% Filipino are you Filipino or Hawaiian? You are mostly Filipino and just part Hawaiian.

It is understandable that people want something to fight for and opposing the management of Mauna Kea and TMT gives them something to fight for. A lot of people don't know what they want but are always ready to fight for it. That is why young men eagerly go off to war. Look at history that is misrepresented even today. It is important to understand history. During every war young men go off to die for their country. For example: German, Japanese and Americans all fought and killed each other in WW II for their own country. During the U.S. Civil War, most Southern young men were just poor people who never owned a slave. They weren't fighting for rich land owners to own slaves, they were fighting for their homeland. The U.S. fought in Vietnam to oppose communism. The Vietnamese didn't care as much about communism, as they were fighting to get foreigners out of Vietnam. We know this, and that is why people fight against the TMT. I believe that is a mistake and opposed to the original Hawaiian spirit.

My opinion is that lack of true understanding is the problem. I support the TMT and U.H. management in the name of Astronomy and the original Hawaiian people, not wannabe Hawaiians.

Sincerely,

Lloyd Dunnn

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From: [Pat Evans](#)
To: [Mauna Kea Working Group](#)
Subject: Response to MKWG Draft Report
Date: Monday, January 3, 2022 5:37:59 PM

Aloha,

I'm not an astronomer, nor do I work for an observatory, but I've been to the summit of Maunakea many times to view her glorious skies. However, what I am is a concerned resident and voter on the Big Island, who by chance read the Maunakea Working Group (MKWG) draft report and was so dismayed by its unconstitutional tenets, I decided to respond.

Hawaii is a melting pot.

While I deeply value the cultural heritage of Hawaiians who descended from the long-ago Polynesians who sailed to these amazing islands, I also treasure the enriching contributions of those who arrived here from Japan, China, Portugal, Africa, Mexico, the Americas, and points beyond. When you think about it, we are *all* immigrants here. Blended with the language, dances, foods, and traditions of the early Hawaiians, the combination of all cultures makes Hawaii an aromatic melting pot.

That's why I was stunned that race and religion would be included in a state legislative working group's report, recommending that a proposed Maunakea Governing Entity be made up predominately of Native Hawaiians.

Just how might potential members prove their "Native Hawaiian-ism?" Will the state conduct DNA tests and provide SafeDNA QR codes? How much Native Hawaiian DNA qualifies? After all, many who boast of Hawaiian blood also have mixed ancestry, with DNA from Caucasian, European, Chinese, Japanese, Philippino, Portuguese, or Samoan ancestors. Are Samoans considered "Native Hawaiian"? If not, Dwane Johnson, "The Rock," is out of luck.

Let's strive for the best and brightest, no matter the race.

According to the 2020 census, Asians comprise the largest racial group in our state, while Whites are the second-largest group. In Hawaii County, where the proposed Governing Entity would preside, Whites make up 34% of the population, while Native Hawaiians make up 12.8%. If race should be the determining factor, as the MKWG report states, then the Governing Entity should be 34% White, according to the census, and Native Hawaiians should be 12%. But that's as horribly prejudicial as the MKWG recommendation that the group be predominately Native Hawaiian.

In fact, such an important governing entity should be composed of the best and brightest candidates from Hawaii's diverse populations. Native Hawaiians certainly should be included, and there should be at least one expert from the world of astronomy to serve.

Race and Hispanic Origin	Hawaii County State of Hawaii	
White alone	34.0%	25.5%
Black or African American alone	0.8%	2.2%
American Indian and Alaska Native alone	0.6%	0.4%
Asian alone	21.2%	37.6%

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Native Hawaiian and Other Pacific Islander alone	12.8%	10.1%
Two or More Races	30.5%	24.2%
Hispanic or Latino	12.9%	10.7%

<https://www.census.gov/quickfacts/fact/table/hawaiicountyhawaii,HI/PST045221>

What happened to separation of church and state?

Although the MKWG report provides an extensive view of one brand of indigenous religion, other Hawaiians may not share those views. Regardless, no one religion should prevail in Hawaii's government, nor be used as an excuse to destroy the state's vigorous astronomy industry.

To all of us, Maunakea is a magnificent resource that should be cared for by all, including those who construct gigantic telescopes near her summit. Like many, I urge the environmental protection of Maunakea, but I also urge our state and county authorities to prevent shacks from being built on the treasured mountain's flanks by protestors who claim that building the Thirty Meter Telescope (TMT) will do Maunakea harm.

Astronomy benefits Hawaii, America, and the world.

Most puzzling to me in the MKWG report is the apparent disdain for the value of Hawaii's astronomical observatories. Without including any scientific or economic data, the authors who dominated this draft with religious and philosophical doctrine seem determined to remove all telescopes from Maunakea. Then what? Will only Native Hawaiians be allowed above certain elevations? Will other races be permitted on certain dates if they present SafeDNA QR codes?

Rather than have yesteryear thinking dominate a state governing body, University of Hawaii (UH) should remain the ongoing overseer of Maunakea. UH's astronomy programs are known worldwide, and the education and eye-opening discoveries of the magnificent instruments atop Maunakea have answered key questions about our universe.

If those concepts are not of interest, then I emphasize the billions of dollars that astronomy has poured into Hawaii's economy ever since UH's 2.2-meter telescope saw first light atop Maunakea in 1968 and began operations in 1970 to help invigorate Hilo's economy. That very forward thinking worked. Removing astronomy from Maunakea will have a devastating impact on the Big Island's economy, from Hilo to Waimea and beyond.

Share the Mauna, for America's sake.

In a footnote, the MKWG report said its recommendations did not address the TMT. However, if a tunnel-visioned group is allowed to govern Maunakea, the next move will be to prevent TMT from being built, even though the Hawaii Supreme Court affirmed in 2018 that the \$1.43 billion project can be constructed. Likewise, most of Hawaii's citizens support building the TMT, according to statewide polls.

TMT must move forward to keep America competitive in the field of astronomy. As I write, Europe is building a 37-meter Extremely Large Telescope (ELT) on a peak in Chile. Locals there already benefit from the jobs and infusion of Euros that this multibillion-dollar

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undertaking provides. ELT will see first light in 2027, which means TMT is already behind, substantially due to delays caused by a small band of ill-informed protestors who illegally blocked access roads. Sadly, their protests were aided by feckless state and county enforcement, not to mention prejudicial media reports and visits from wannabe Hawaiian movie stars.

As Carl Sagan said, “We are made of star stuff.”

We might disagree on the spiritual significance of Maunakea, but all humans are made of the very stuff that Polynesian explorers used to navigate their way here—the stars. Yes, our state’s Native Hawaiians should be honored for their rich cultural heritage, but no one religion or race should be used to determine the fate of such a valuable resource as Maunakea, nor Hawaii’s prestigious astronomical observatories.

Pat Dunlap Evans
68-1845 Waikoloa Rd.
Ste. 106, #247
Waikoloa, HI 96738
512-658-8949

APPENDIX D

From: [nomadjg](#)
To: [Mauna Kea Working Group](#)
Subject: My comments on the Mauna Kea Working Group's Draft Report of 12/17/2021
Date: Monday, January 3, 2022 4:02:20 PM

To Whom It May Concern,

I appreciate the work done on this report, but there are a few issues that I urge you to resolve as you work toward a solution for the people of Hawaii and the future of Mauna Kea.

Based on the guidance of Kahea, I suggest the the plan for Mauna Kea must (1) continue to gather significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) remove the governor's power of appointment of nearly all the members of the Governing Entity; (3) honor the traditional k  n  wai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea; (4) remove the recommendation to include a representative from the astronomy industry on any official governing or advising entity. That is because this is really more of a land-use issue.

Furthermore, the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused “significant, substantial, and adverse harm” to cultural resources (2005 NASA federal EIS on the Keck Outrigger project). Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

Thank you for considering my comments.

Sincerely,
Dr. Janet J. Graham, PhD
UH M  noa Alum

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From: [Marshall Hamilton](#)
To: [Mauna Kea Working Group](#)
Subject: Kahea working group draft
Date: Monday, January 3, 2022 5:38:30 PM

I am in support of the objections raised by the Kahea working group to the proposals delineated in HR33. I urge any and all law makers who care for these islands to reject this ruling.

Mahalo

Mars Hall

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From: hanahanai@hawaii.rr.com
To: [Mauna Kea Working Group](#)
Subject: Comments on Working Group Draft
Date: Monday, January 3, 2022 6:45:19 PM
Attachments: [COMMENTS.docx](#)

Happy 2022

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January 3, 2022

Cindy Freitas

hanahanai@hawaii.rr.com

Mauna Kea Working Group Draft Report

Submit comments via EMAIL

maunakeaWG@capitol.hawaii.gov

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

There is no mention of any SURETY BOND to ensure that any decommissioning and restoration will be finance by a bond and not the tax payers.

I also concur with The Hawaiian-Environmental Alliance (KAHEA) in their comments submit via email.

Mahalo,

_____/s/_____
Cindy Freitas

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From: [juanita ray](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea astronomy
Date: Monday, January 3, 2022 6:15:30 AM

Aloha,

As a long time resident of the big island I want to show my continued support of the management of Mauna Kea by UH and I fully support the continued use of the Mauna for astronomy and lastly I and my entire extended ohana are 100% behind moving forward with the TMT.

Thank you,
Juanita ray
808 345 3513

APPENDIX D

From: [Carolyn](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Testimony
Date: Monday, January 3, 2022 8:18:30 AM

Aloha,

I would like to add my voice to this subject even though I have taken this template from someone more eloquent than myself. I strongly agree with everything in this message and hope you will take us "silent majority" supporters into consideration and not bend to the will of the more vocal and aggressive minority.

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be

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removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

Mahalo nui loa,
Carolyn Kaichi

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From: [Atsuko Nitta Kleinman](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on your draft proposal
Date: Monday, January 3, 2022 10:21:45 AM

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.
5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

APPENDIX D

From: [Wendy Laros](#)
To: [Mauna Kea Working Group](#)
Subject: Kona-Kohala Chamber of Commerce comments on the Mauna Kea Working Group Draft Report
Date: Monday, January 3, 2022 9:16:35 PM
Attachments: [2022.1.3_Kona-Kohala Chamber Comments on Maunakea Working Group Draft Report.pdf](#)

Aloha,

Please see our comments on the Mauna Kea Working Group Draft Report in the attached document.

Sincerely,

Wendy J. Laros
President & CEO



Kona-Kohala Chamber of Commerce
75-5737 Kuakini Highway, Suite 208
Kailua-Kona, HI 96740
(808) 329-1758
wendylaros@kona-kohala.com

APPENDIX D

January 3, 2022

RE: Comments on the Mauna Kea Working Group Draft Report

To Whom It May Concern,

The Kona-Kohala Chamber of Commerce works to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. Founded in 1968, our 430 member businesses and organizations represent a wide range of industries such as agriculture, aquaculture, astronomy, banking, construction, education, food service, healthcare, non-profits, retail, real estate, tourism, technology, transportation and more. We exist to provide leadership and advocacy for a successful business environment in West Hawai'i.

The Kona-Kohala Chamber of Commerce strongly supports Astronomy on Maunakea noting significant scientific discovery, global leadership, educational outreach, workforce pipelines, jobs and economic impact.

We strongly support University of Hawai'i management and state lease renewal on Maunakea. The University of Hawai'i is by far the best option for a management structure on Maunakea and the lease renewal of 2033 is an urgent matter. The University has taken significant steps to address issues and improve management. We applaud the depth, scope and considerations embedded in the current Draft Master Plan for the UH Maunakea Lands pertaining to land use and facilities along with the Comprehensive Management Plan that fully outlines related activities and resources. UH recognizes that it must protect Maunakea's value as a culturally significant landscape as well as a premier location for astronomy. With entities in place such as the Center for Maunakea Stewardship, 'Imiloa Astronomy Center and the Institute for Astronomy, the University of Hawai'i has broad resources, vast knowledge and a steadfast commitment to provide the best possible management under very complex circumstances.

We recognize the cultural expertise and thoughtful presentation of the Mauna Kea Working Group Draft Report. **However, the recommendations do not align with our positions.** More specifically, we support the current management structure as mentioned above. We oppose creating a new governing entity. Additionally, the report mentions limiting the astronomy footprint and establishing "a plan to return the mauna above 9,200 feet elevation to its natural state." We believe the current UH plan for telescope decommissioning addresses reduction and the remaining observatories must stay in their respective locations. Despite our objections to the recommendations, we thank all those who participated in the Mauna Kea Working Group and value the knowledge shared in the report.

Sincerely,



Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce

APPENDIX D

From: [Christine Matsuda](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on draft report
Date: Monday, January 3, 2022 12:47:02 PM

Aloha Rep. Nakashima and members of the Maunakea Working Group,

Thank you, sincerely, for the effort put forth to create this draft report. The investment you all have made and continue to make is so important and much-needed - in finding solutions and building a common understanding of what it really means to be responsible to Maunakea.

I appreciate and agree with the content included in the draft. You invited the public to weigh in on a couple of unresolved questions, and in that spirit, I offer that in my view, it is critical that **astronomy is represented on the board of the entity**.

We can agree that astronomy is part of the Maunakea story for this chapter in history, and has important perspectives to contribute to inform decision-making for the entity in the future. The utility of including astronomy on the board will have many benefits to the entity; a starting point may include:

- Transparency and access into what is happening at the telescopes in real time, including operational insights
- A direct link for the entity to the international government agencies, institutions and collaborations that support astronomy on Maunakea
- Representation of the views and voices of the 500+ employees of the collection of telescopes, a significant group of Hawaii Island residents

Astronomy representation does *not* automatically mean involvement by UH IfA, but could instead mean involvement from a representative of the existing Maunakea Observatories, just as the Mauna Kea Working Group itself was structured.

Mahalo for considering my comments as you finalize the report. I look forward to reading the next version when published, and thank you again for your important work.

With warm aloha,
Christine Matsuda

Christine.Matsuda@gmail.com
808-321-2473

APPENDIX D

From: [Peter Maurer](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group Draft Report
Date: Monday, January 3, 2022 5:47:08 PM
Attachments: [MKWG response.pdf](#)

Dear MKWG Representative:

Attached, please see my response to the MKWG's report.

Thank you,

Peter Maurer

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3 January 2022

Response to the Mauna Kea Working Group Draft Report (December 17, 2021)

I want to thank the MKWG for their diligence and hard work in producing this report. I'm certain that many difficult conversations were had with the participants. In general, I believe this draft is a good starting point. However, I have several concerns with this report.

First, this report omits important history regarding Mauna Kea. There is no mention of the adz quarry, which covers 74 square miles and has more area than Honolulu (68.4 square miles). Mining and manufacturing persisted for hundreds of years before Hawaii's unification, at elevations exceeding 12,000 feet. This report also overlooks Hawaiian officials recruiting astronomy to Hawaii after the 1960 tsunami due to a faltering economy. Most importantly, this report leaves out both the contributions of astronomy, as well as erroneous or unfavorable actions by protesters. For example, one leader of the Native Hawaiian Community actively discouraged Native Hawaiians from attending open houses for the Environmental Impact Statement for the Thirty Meter Telescope, per evidence submitted during TMT's Contested Case Hearing. Protesters have also threatened astronomers, supporters, and agencies for their support or relationships with astronomy. These activities have been documented with dozens of reports at the Visitor Information Station, at meetings such as the UH Regents meeting at 4/24/15 where one person threatened to "take the board," and numerous other conflicts. For a complete understanding of why there is so much division among Hawaiians, these additional elements must be addressed. If opponents of astronomy on the MKWG cannot be trusted to acknowledge the whole history and truth of what has transpired, as the astronomy community has, then these same individuals cannot be trusted to govern an area as sacred and significant as Mauna a Wākea.

Approximately 1000 Hawaiians work for the observatories, all of whom provide the planet with knowledge that is used by countless scientists, teachers, engineers, and students. This knowledge is foundational for chemistry, physics, medicine; the lessons learned will be passed on to every future generation after our deaths. These observatories collaborate not only with Hawaii and its premier university, but with nations all over the world. Most importantly, they support the Hawaiian community with funding, economic support, advanced jobs that weather economic fluctuations like the pandemic, and education for children and adults in Hawaii. Given the fundamental importance and impact of their work, the observatories and the University of Hawaii should have significantly more than an advisory role in the formation of any governing entity.

The Office of Hawaiian Affairs has overbearing influence on determining members of the committee, despite the lack of transparency they (and other groups opposing astronomy) have afforded the community they wish to serve. There has been no showing of how they received or spent funds, or whether they supported illegal activities including: shutting down the access road; constructing unpermitted structures; doxing a police officer; and leaving behind litter and garbage at Pu'u Huluhulu for years. OHA has resisted turning over financial documents to the

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Hawaii legislature, and at least one Native Hawaiian group under investigation even refused to disclose donor data to the Attorney General. Why are the observatories scrutinized for potential conflicts of interest, but not agencies determining or providing potential representatives? These discrepancies must be resolved by requiring disclosure of potential conflicts of interest and allowing for full transparency, as observatories and their employees already do.

On page 2, the document states that authors have chosen to utilize Mauna a Wākea and Mauna Kea interchangeably. “Mauna a Wākea” is used 74 times excluding the document’s title, table of contents, and footnotes. “Mauna Kea” is used once, excluding the title and names of groups. The authors should make clear whether their intention is to use the term Mauna a Wākea to replace Mauna Kea, or whether it is truly interchangeable.

On page 3, there is an error in the last sentence of the second full paragraph: “peaceful protect” should be replaced with, “peaceful protest”.

On pages 4 and 5, regarding Kānāwai: what is considered a disturbance? Is a road a disturbance? A structure? A shrine? What about a hiker? A burial? Is it a matter of opinion? One example that might elucidate is the adz quarry. Should the quarry be preserved as a cultural resource, or should Hawaii return the quarry to its natural state prior to mining 1000 years ago? There’s a lot of language pertaining to culture, but little

On page 21, under Jurisdiction, there is discussion about the challenges of the area governed potentially being too large, but then expands its governance beyond OMKM’s to the 6500 foot elevation line. Given the numerous complaints about OMKM’s management, it would behoove the MKWG to help others understand why a new agency can do a better job managing an area ten times OMKM’s size. I’m not convinced it can or should.

Questions relating to TMT remain, and must be addressed. Can TMT be stopped from further construction? If this agency would forbid TMT’s continued construction, could this entity be liable for, or compensate TMT for TMT’s time, money, and other sacrifices they have made to Hawaii? If TMT is allowed to continue construction by this agency, do we know whether protesters will agree to cease blockades? If protesters create a blockade, how will this agency manage them?

I believe that there is merit to several parts of this plan. Unfortunately, there is still work to be done.

Thank you for your consideration.

Peter Maurer

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From: [Bonnie McGill](#)
To: [Mauna Kea Working Group](#)
Subject: Report Comments
Date: Monday, January 3, 2022 9:20:01 AM

I support KAHEA, who stated:

"We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea."

--

Bonnie McGill, PhD

She/her/hers

Ecosystem Ecologist & Science Communication Fellow

Carnegie Museum of Natural History, Pittsburgh, PA

bonniem.weebly.com | [@BonnSci](#)

The Carnegie Museum of Natural History and the area now known as Pittsburgh, PA are within the ancestral lands and rivers stewarded by the Seneca (*O-non-dowa-gah*), Monongahela (autonym unknown), Lenape (*Lenni-Lenape* or Delaware), Shawnee (*Shaawanwaki*), Wyandot (*Wandat*), and Osage (*Wahzhazhe*) peoples for many generations and into today. (This statement does not represent the views of the Carnegie Museum of Natural History.)

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From: [morgan ray](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea
Date: Monday, January 3, 2022 6:21:49 AM

Aloha,

As a big island resident I completely support the TMT project. I'm sure there is a balance between culture and progress with science. What TNT has to offer will benefit all of mankind for years to come. I think a good start would be to get rid of the outdated telescopes. That might appease the naysayers. Regardless I think that the project should go forward. Thank you very much for your time.

Mahalo,
Morgan Ray

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From: [Jane P. PERRY](#)
To: [Mauna Kea Working Group](#)
Subject: MAUNA KEA WORKING GROUP Draft Report to the Legislature of the State of Hawai'i
Date: Monday, January 3, 2022 11:47:09 AM

TO: The 15-member “working group to develop recommendations for a governance and management structure for Mauna Kea” as per Hawai'i State legislature Resolution HR33

FR: Dr. Jane P. Perry

RE: The MAUNA KEA WORKING GROUP Draft Report to the Legislature of the State of Hawai'i

DATE: January 3, 2022



Aloha and mahalo for the opportunity to provide comment to the Working Group. I hope you and your loved ones are safe and healthy and have everything you need.

I am Dr. Jane P. Perry, retired teacher and researcher with the University of California, Berkeley. I am also a member of 1000 Grandmothers for Future Generations. I am writing to you today to say: listen to the Kānaka Maoli traditional kōnāwai.

When adult Mauna Kea Protectors were young, their family called Mauna Kea “Big Mama.” Many did not have the vehicles that would reach her, but she was their matriarch. She provided food for them and protected them from storms. Mauna Kea raised them, taught them lifeways, and still teaches them spiritual and navigational wisdom. When as adults Mauna Kea called out to families to speak in protection for her, the families answered, the cooks came, the preschool teachers came, the social workers came, the students came, as you would when your mother asks for help.

The kia‘i of Mauna Kea do not sanction what is trespass and further desecration on their religious shrine and sanctuary. They stand in a code of conduct that comes from ways of

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existence passed down in cultural practices, ceremony, prayer, chant, dance, and values. For Kānaka Maoli, Mauna Kea, their Mother, is part of their identity. She is their ancestor. Mauna Kea is Kānaka Maoli culture. She is Kānaka Maoli religion. Mauna Kea is Kānaka Maoli traditions.

Please take a moment now and imagine a physical location you know that gives you meaning. It ought to have immediately popped into your head as a place dear to you.

I stand in witness of KAHEA: The Hawaiian-Environmental Alliance and urge you to listen as they tell us: “Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai‘i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor’s appointment.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.”

Protecting Mauna Kea from construction is a rallying stand because the Thirty-Meter Telescope is a contemporary example of the historical and current injustices affecting Native Hawaiians. TMT is very much at the heart of historical and current injustices from colonial research. The TMT can only advance through state violence against Native Hawai‘i people.

The kia‘i have pledged to protect Mauna Kea just as you would your mother, just as you have a spot in your heart for your place of meaning and honor. Listen to the directions and leadership of the Kānaka Maoli traditional kānāwai in revising your MAUNA KEA WORKING GROUP Draft Report to the Legislature of the State of Hawai‘i.

Mahalo for the opportunity to provide public comment. May you all remain safe and healthy.

Sincerely and with Aloha,

Jane P. Perry, Ph.D.

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Jane P. Perry's most recent book, [WHITE SNAKE DIARY](#) (Atmosphere Press), released in 2020. Jane [interviews with Paula Whitacre](#), appears in the minipodcast [Without Books](#) and [The Missouri Review Miller Aud-cast](#), and see Jane in [Persimmon Tree](#), [McSweeney's Quarterly Concern](#), [Women Writers](#), [Women's Books](#), [The Gloucester Times](#), [The Oaklandside](#), [Paper Dragon](#) and in [Abrazos](#). 100% of the return on purchase of WHITE SNAKE DIARY goes to Ohlone sovereignty through [Sogorea Te Land Trust](#).

Jane P. Perry, Ph.D.

Retired Teacher Researcher, University of California Berkeley Harold E. Jones Child Study Center

Unceded Ohlone territory of Huchuin (5814 Margarido Drive, Oakland, CA 94618)

(510) 428-2363

janeperry.com

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@oaklandjane

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From: [Katherine Loke Roseguo](#)
To: [Mauna Kea Working Group](#)
Subject: Hawai'i island voter response to Maunakea Working Group report
Date: Monday, January 3, 2022 10:22:48 AM

Aloha.

I am a Hawaii island retired public school teacher and I am responding to the draft report of the Maunakea working group on the future of Maunakea. I have worked as a middle school science teacher at Honoka'a High and Intermediate and ma ke 'ano he kumu 'epekema malaa'o a i ka papa 9 ma ke kula 'o Nāwahīokalani'ōpu'u Iki. I am currently employed at the Visitor Information Station at 9,200 feet where I serve the visitors through informing them about how to visit Maunakea safely and respectfully. Thus, I am an employee of the UH Hilo Center for Maunakea Stewardship.

After reading the report of the Maunakea Working Group, I want to voice my concerns about creating a new governing entity as well as my support for all my local friends and colleagues who work so hard together with me to take care of Maunakea and ALL of its visitors.

- My first concern was the Hawaiian people in the working group were overwhelmingly anti-astronomy on Maunakea. Where are the voices of the Hawaiians who support it? The native Hawaiian astrophysicists, such as Dr. Heather Kaluna, Tyler Trent, and Makana Silva? What about other native Hawaiian supporters of the telescope, especially those who live and work on Hawai'i island? Ed Stone? If Kālepa Babayan and Dr. Paul Coleman were still alive, I am certain that they would want to be part of Maunakea's future. What about Dr. Larry Kimura, who, in working with Dr. Doug Simons, discovered that the Big Bang is actually right there in the Kumulipo? Why are these people IGNORED? What? ***Not Hawaiian enough?***
- When the report talks about astronomy, it fails to mention that astronomy was INVITED here to Hawai'i. It just jumps right to the 1998 Sierra Club report on mismanagement. It ignores that ***all those complaints about mismanagement are being addressed*** by the UH Hilo Center for Maunakea Stewardship? IGNORED. SILENCED. There is no acknowledgement of how astronomy has benefitted Hawai'i and the world. IGNORED. SILENCED.
- References were made to "peaceful protest". It makes no reference to the

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threats of violence and death threats to supporters of the telescope, including the governor. Could this be why he has not moved forward on a fully legal project? Native Hawaiians and others who support astronomy on Maunakea are bullied, silenced, shamed, and cast out from family. I do not want a “new governing entity” to be made up of bullies.

- The report says there was a “lack of consultation with key stakeholders”. There has been plenty of consultation with key stakeholders, but protestors have rejected or ignored these opportunities for dialogue. Who makes up a “key stakeholder”? Seems to be only protestors. What about people who live and work and raise families on Hawai’i island, whether or not they’re Hawaiian? They don’t count? *Not local enough?* What about my public school students, like my own Hawaiian-speaking children, who excel in physics and astronomy and whose dreams about being able to work sustainably on the island they grew up on are crushed, and it’s off to the mainland to work and live for the rest of their lives? What about the entire world who benefits from the discoveries made by astronomy, including protestors using GPS and adaptive optics on their cell phones to record their protests, and then send it out over wireless internet? Yup, astronomy. The hypocrisy is staggering.
- Then it talks about funding this endeavor. Who would be on this “governing entity”? Would it be race-based? The report talks about legislating “special funds” (read: taxpayers) to fund this. We already pay for OHA. Is this another OHA? It talks about collecting fees to visit the mountain. At the moment, the UH Center for Maunakea Stewardship charges NO FEES to visit the mountain. Everyone is welcome, for free. Just be safe and respectful.
- What would happen to all the employees working up at Maunakea right now? The technicians, the people at the VIS, the Rangers, many of whom are native Hawaiian, who risk their lives every day to make sure people are safe? Just last week they saved someone’s life in the middle of a blizzard. And this week someone there was a tragic accident which might have been prevented if they had followed safety protocols. What about the cooks? I can personally attest that they are doing an excellent job. What about the local kumu who educate us about the history, culture, the native flora and fauna, and the safety of the mountain? What about my boss? He does a great job keeping us safe and informed. What, you just going to fire us? We work well together and we enjoy working with the public. Almost all employees at the MKVIS graduated from local public schools. The people who plant and create habitats for our native

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flora and fauna, including the silversword, the wēkiu bug, the māmane, the palila? The telescope techs? The astronomers? The people who clear the roads? The engineers? So what, are you're saying is we're doing a bad job? How would you know? Have you been there? I've heard that the working group did not even visit Maunakea once.

- UH Hilo Center for Maunakea Stewardship is already doing a great job. When problems come up, they get discussed and fixed. If there needs to be a compromise, then that is discussed and acted upon. It's not "my way or no way". You think you better? WE. ARE. ALL. STAKEHOLDERS. How come we weren't asked to be on this special Working Group? We not Hawaiian enough, local enough, good enough?
- As for the Kai'okia Kānāwai, this is a great way to define how Hawaiian identity can co-exist on the mountain with astronomy. They are NOT mutually exclusive. If you think a Hawaiian belief system cannot co-exist with science, then you do not know enough about Hawaiian language and culture, IMHO. "Co-exist with science" doesn't mean "Hawaiian" science is superior. Science is about seeking the truth. A Hawaiian perspective can be valuable in seeking this truth, but so can the global astronomy perspective, and when they work together, the result is beautiful.
- This final response is perhaps at the heart of why I support astronomy and Hawaiian culture on Maunakea. I taught science in Hawaiian at Ke Kula 'o Nāwahīokalani'ōpu'u for ten years. A Hawaiian perspective on science is enlightening and valuable. Those who say, "Well, we have 'our own' science and don't need 'Western' science, ok fine, stop using your cell phone and your GPS and taking selfies with your adaptive optics and then posting it online using wireless internet. And then there's medical imaging technology. Yup, all astronomy. But I digress.

When foreign ships arrived in the islands, no one had to teach the Hawaiian people the value of nails. Hawaiians knew immediately the value and harvested them off the ships. When the printing press was brought to Hawai'i, Hawaiians used it to print in the Hawaiian language, and now we have the legacy left by Hawaiian newspapers. The deep science of astronomy working together as the core identity of Hawai'i are pono. Astronomy should be on Maunakea *because* seeking knowledge is sacred, IMHO. To seek to answer the deepest questions of the universe is not desecration, but rather exactly

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what the mountain should be used for, among everything else. If there's no astronomy in Hawai'i, there's no more Hawaiian language in the heavens. 'O ka 'ōlelo ke ka'ā o ka maui. Pau. Instead new stars and planets would have Spanish or Latin names. Or Chinese. And it would be reconfirmed in front of the world that Hawai'i is anti-science and anti-education.

•

'O ia ho'i: 'O ka 'oihana kilo hōkū ma Maunakea, he hālau 'imina'auao ia, e like ho'i me nā hālau 'ē a'e a pau o Hawai'i nei. 'O ka hālau hula 'oe, 'o ka hālau wa'a 'oe, a pēlā aku. A 'o ka 'imina'auao, he kū i ka Hawai'i, a he hana "la'a" ho'i ia. *'A'ole pau ka 'ike i ka hālau ho'okahi.* He ho'okano ka no'ono'o "'O aku ko'u 'ike ma mua o kā ha'i". He alu like kākou a pau no ka 'imi i ka 'oia'i'o e pono ai 'o Hawai'i nei. He kuana'ike Hawai'i kēia.

I'd like to add :

1. The report currently proposes excluding the astronomy industry from having a vote in management of Maunakea. The telescopes on Maunakea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Maunakea, either through the Maunakea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Maunakea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Maunakea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. Calling Maunakea "Mauna a Wakea" is soooo 2015. When I learned Hawaiian in the 70's from native speakers, it was never referred to as "Mauna a Wākea". Nor in all my interactions with native speakers at that time was Maunakea considered "sacred" with the fervent devotion it is now - and by whom? Mainly by the 'ōpiopio! While some people might maintain beliefs in the kapu religion, and as part of their belief think Maunakea is sacred, their beliefs are not authoritative as a Native

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Hawaiian matter. Our aliʻi abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Regardless of people's personal beliefs, this new type of "sacredness" is NOT threatened by the use of Maunakea for astronomy.

Since the "Working group" was overwhelmingly made up of protestors, I fear a "new governing entity" for Maunakea would be much like the protest:

- Refuse to hold themselves to the same standard they demand of others
- Charge fees to visit.
- Seek no compromises when problems come up. Only power.
- Erase the decades of good that has come from astronomy and Maunakea
- Become a center for Hawaiian sovereignty, paid for by our tax dollars and fees to be charged.
- Leave trash and junk all over, like at the protest site, and by doing so destroy native flora and fauna in a conservation district.
- Seek to delay, delay, delay the building of the Thirty Meter Telescope. NO it is not "a big corporation" but rather a non-profit. And throughout all these delays TMT continues to provide scholarships for Hawai'i island students, educational workshops for Hawai'i island teachers, and STEM activities for Hawai'i island students. SAVED my ass as a teacher during the pandemic by obtaining a free online science course for Middle School science. Excuse me, but I don't see ANYONE else in Hawai'i doing so much for the local community. The protestors, on the other hand, just complain and perpetuate falsehoods. Their only "solution" for the community is to stop all astronomy on Maunakea and replace our current governing entity with a race-based monarchy. "Oh we have so many supporters" Yeah, all these people who don't even live in Hawai'i and will not be directly affected should TMT not be built. Unfortunately, many protestors here and worldwide have been fed this

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and other misinformation and mistakenly believe they are “protecting the water”. Do your science and you will see it is impossible for telescopes on the summit to affect the aquifer far down the mountain. [10 questions](#)

I'm not going to pretend that there are things which happened in Hawai'i's imperfect history which could be rectified. I have studied and taught this history. But why is it the kuleana of astronomy to do this? Where are the thousands of protestors at Pōhakuloa? Red Hill?

We are in the middle of a worldwide pandemic. Science is saving lives. Astronomy is a clean industry whose main purpose is to answer questions by looking up at the sky, unlike a gas pipeline, or fuel tanks, or bombing practice. TMT, for the record, would be a ZERO waste facility. Why is the ultimate conclusion of the Working Committee to destroy it? Would the roads be kept up like they are now? Would the rangers be there to keep people safe? Would visitors no longer be welcomed? Who exactly would it benefit? Today it benefits the world. Tomorrow?

Keep Maunakea under UH Hilo Center for Maunakea Stewardship.

Na'u me ke aloha nui, K. Roseguo

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From: [Heidi Rusina](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group's Draft Report
Date: Monday, January 3, 2022 7:47:40 AM

To whom it may concern,

The comments prepared by KAHEA below should be addressed. Further, I can't understand how industrial development and construction on Mauna Kea makes any sense from a life cycle assessment / embodied carbon perspective, or in terms of quality of life enhancement for the local ecology.

Regards,
H. Rusina

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai'i
Legislature on the Mauna Kea Working Group's Draft Report, dated December 17, 2021

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and

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commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.” Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: “The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is ‘kapu’; therefore, prohibited for occupation.” Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only “intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentring permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea.” Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

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Remove the Governor’s power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH’s dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

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We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional k  n  wai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,

KAHEA Board and Staff 2022

APPENDIX D

From: [erin.rutherford](#)
To: [Mauna Kea Working Group](#)
Subject: Comments for Mauna Kea working group Report
Date: Monday, January 3, 2022 7:36:37 AM

Hello, please accept my comments below in response to the open public comment period on the Mauna Kea Working Group report. I have listed them by underlining key points. Thank you, Erin Rutherford

Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of “restoration”; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of “a plan to return the mauna above 9,200 feet elevation to its natural state.” *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

No framework to implement traditional kānāwai

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From: [bAnkAliSh jeNNiFah](#)
To: [Mauna Kea Working Group](#)
Subject: MAUA WAKEA
Date: Monday, January 3, 2022 7:39:48 PM

Dear Sir or Madam:

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

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APPENDIX D

foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,

Jennifer Schneider, LMT

“The world is violent and mercurial--it will have its way with you. We are saved only by love--love for each other and the love that we pour into the art we feel compelled to share: being a parent; being a writer; being a painter; being a friend. We live in a perpetually burning building, and what we must save from it, all the time, is love.” Tennessee Williams

*****EATING ANIMALS CAUSES PANDEMICS*****

*****GO VEGAN***PROTECT WATER, EARTH & ANIMALS***BLACK LIVES MATTER*****

*****ELEVATE YOUR DNA-MAKE THE WORLD A BETTER PLACE*****

*****LOKAH SAMASTA SUKHINO BHAVANTU*****

*****MAY ALL BEINGS EVERYWHERE BE HAPPY AND FREE AND MAY THE THOUGHTS, WORDS AND ACTIONS OF MY OWN LIFE, CONTRIBUTE IN SOME WAY TO THAT HAPPINESS AND FREEDOM FOR ALL*****

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From: [Terra Sutton](#)
To: [Mauna Kea Working Group](#)
Subject: Comments of KAHEA:
Date: Monday, January 3, 2022 11:36:41 PM

Comments of KAHEA: The Hawaiian-Environmental Alliance to the State of Hawai‘i Legislature on the Mauna Kea Working Group’s Draft Report, dated December 17, 2021

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group’s (Working Group) Draft Report, “He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea,” dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii’s people and future generations through the revitalization and protection of Hawaii’s unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of “restoration”; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of “a plan to return the mauna above 9,200 feet elevation to its natural state.” *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

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Terra Sutton

Bowenizer.com

Hawaii-California

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From: [youvulas](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the the Mauna Kea Working Group 12/17/21 Draft Report
Date: Monday, January 3, 2022 8:17:42 PM

The Hawaiian-Environmental Alliance to the State of Hawai‘i Legislature on the Mauna Kea Working Group’s Draft Report, dated December 17, 2021

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APPENDIX D

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Me ke aloha,
Kirra Swenerton
Root Wisdom Consulting

APPENDIX D

From: [Marianne Takamiya](#)
To: [Mauna Kea Working Group](#)
Subject: MWG feedback of draft report
Date: Monday, January 3, 2022 1:32:03 PM
Attachments: [MWG_feedback.pdf](#)

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The recent publication of the draft proposal entitled “He lā hou kēia ma Mauna a Wākea: A new day on Mauna a Wākea” talks about the cosmogenesis of the mountain from a spiritual lens and touches on some points on the development of telescopes and ways in which the access to the mountain and facilities have been overseen by the University of Hawai‘i. Unfortunately, I interpret the report to be uninformed, biased, and harmful to the future of Hawai‘i.

The University of Hawai‘i is perhaps one of the most important institutions in the State when we think of a socio-economical equalizer. This institution has placed Hawai‘i and its culture on the world map by nurturing the Hawaiian language and opening the window of Astronomy to everyone interested in what the heavens hide. The latter would not have been possible without the variety of telescopes and top notch instruments that stand on Maunakea today. In a world where we are all connected, UH has been the only conduit that has enabled the citizens of the State of Hawai‘i to reach for ideas, ideals, and jobs to nurture a community that is forward-looking and egalitarian. Science enables and has enabled societies to be egalitarian. The statement that there are different types of sciences is false, as science is not western or eastern, European or Asian, imported or exported, Native or non-Native. Instead, *science* has brought progress that has lifted forward-looking communities out of the darkness and mysticism where many more can now live without fear of events humans once thought were a result of their self-serving behavior. Today, we fear when we have not done our calculations to build a bridge, interpret weather maps, design a laser for an eye operation or for astronomy, prepare our children for the future on planet Earth. Education in these traditionally hard fields needs to be a priority for our community if we want to continue into the egalitarian and fear-free path.

When the State appoints a group that produces a document referring to UH as if it were a child that did not learn because it has not immediately changed the management of Maunakea to what a small number of loud voices ask for, I can’t stop but think that we are moving backward not because of the way in which we all agree we need to take care of Maunakea but the way in which this appointed group did not seek historical information from both sides and is, moreover, censoring voices. The draft report recommendations state that the mountain be devoid of modern astronomical facilities while being supported financially by astronomical observatories, albeit without representation from the latter group. The aim of the proposal is to “control astronomy” as if it were a disease. The proposed board members would be composed of a number of individuals who would not be aware of the scientific importance of Maunakea to Hawai‘i and the world and no board member would have expertise in the fields of astrophysics that take place on Maunakea today. As it reads, the purpose then of the report is to cancel altogether the voices of the astrophysical community in Hawai‘i.

Finally, what about all the Native Hawaiians who want to be astronomers and astrophysicist in the modern world or who are inspired by modern astronomy? How will the State support them? Are they going to be denied this and leave Hawai‘i? Are we so wisely deluded to know what sciences are good or bad for Hawai‘i? Humans, starting from childhood, have always been excited about what lies beyond what we can see with our own eyes and so we dream and we invent. A common cosmogenic question in all cultures is where we came from and where we will end. While different cultures have their own explanations, the unifying story of the human race is deeply rooted in the science that withstands the constant and welcoming punches from our observations of the natural world, the heavens included, and our acknowledgment that we do not know today everything that there is to know. We certainly did not know better 50, 100, or 500 years ago about pretty much anything. Our health, our daily worries, our social structure, and our life expectancy are much better today than in the past and they will continue to get better driven by all sciences, astronomy being the one that leads the discovery of fundamental physics that has brought to you the sewing machine, the car, home electricity, airplanes, smartphones, to name only a few. The draft report must represent the scientific and progressive voices of local children and adults. A stronger and forward looking community must include the voices of everyone unless we want to repeat mistakes we made 50, 100, or 500 years ago.

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From: [Delaina Thomas](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea
Date: Monday, January 3, 2022 4:32:00 PM

It is time to stop the thinly veiled strategies of vested interests to betray the best interests of the Mauna, its irreplaceable history, and the Kanaka Maoli all over the world. We have all been too patient. We are now too informed. Look at the truth because we know what it is. Ku Kia'i Mauna. No compromises. Pau.

APPENDIX D

From: [Christopher Tipton](#)
To: [Mauna Kea Working Group](#)
Subject: Opposition to MKWG Proposal
Date: Monday, January 3, 2022 8:25:56 AM

Aloha,

I would like to voice my opposition to the MKWG's proposal to replace the current governance model for Mauna Kea. The current model under UH's governance is better than this proposed alternative. The shutdown of the access road was not a failure of UH but a failure of the state government to enforce its own laws against those protestors violating them by blocking the road. As many protestors will tell you, they're not opposed to the TMT itself but rather of how the state has treated them in the past. These grievances are legitimate but should not further delay the TMT nor remove UH from managing Mauna Kea.

Regards,

Chris Tipton

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From: [Alan Tokunaga](#)
To: [Mauna Kea Working Group](#)
Subject: comments on the MKWG draft report
Date: Tuesday, January 4, 2022 10:03:53 AM

The Mauna Kea Working Group report is beneficial in presenting a clear explanation of the relationship of all natural things in native Hawaiian culture. It is something that should be valued and understood by everyone in the state. However I do not think that this necessarily means that all astronomical activities on Mauna Kea should be stopped, as would be the case if the recommendations of the MKWG are adopted by the Legislature.

The Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan concluded that the University of Hawaii has effectively implemented most of the management actions expected by the UH Board of Regents. However the UH did not meet the expectations in fully engaging with the native Hawaiian community. Could the Legislature provide annual oversight over the UH regarding the concerns of native Hawaiian community? Would this be a more rational and cost-effective approach since the Center for Maunakea Stewardship already addresses the issues that any Governing Entity would need to handle?

In order to continue to have astronomy thrive in the State of Hawaii it will be necessary to have a new master lease approved. The recommendations of the MKWG will make it impossible to achieve this in a timely fashion. If there is no new master lease, then the decommissioning activities will have to begin well before 2033. A critical question is then: "Does the State of Hawaii want to have astronomy in Hawaii which is a high tech industry providing international scientific leadership?"

Although the MKWG report is concerned with the stewardship of Mauna Kea lands and our values and relationships to nature, I feel that these principles should apply to all areas of human activity within the state. In this sense, all citizens of our state can benefit by looking at the broader issues beyond astronomy on Mauna Kea. Is it reasonable to apply these principles only to astronomy on Mauna Kea? Should the Legislature look beyond the astronomy issues and continue the discussion with the native Hawaiian community of what is pono for everyone?

Thank you for considering these comments.

Alan Tokunaga

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From: [Uluwehi](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Maunakea Working Group Draft
Date: Monday, January 3, 2022 1:13:54 PM

To whom it may concern,

KAHEA: The Hawaiian-Environmental Alliance, a 501(c)(3) nonprofit organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

KAHEA is a community-based organization working to improve the quality of life for Hawaii's people and future generations through the revitalization and protection of Hawaii's unique natural and cultural resources. We have been advocating for the protection of Mauna Kea for nearly the entire life of our organization, which was founded in 2000.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea." Draft report at 12.

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The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3.

Remove the Governor's power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as

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the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for the last 50+ years which has caused, “significant, substantial, and adverse harm” to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project) Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ke aloha,

KAHEA Board and Staff 2022

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From: [Leedda W](#)
To: [Mauna Kea Working Group](#)
Subject: A response to the Maunakea Working Group Document - A NEW DAY ON MAUNA A WĀKEA
Date: Monday, January 3, 2022 4:59:55 PM

Aloha Rep. Nakashima and members of the Maunakea Working Group,

Mahalo for the time the Working Group spent drafting this document. I wish to express some concern about the proposal to take the management/stewardship of Maunakea away from the University of Hawai'i. As an employee at one of the Maunakea Observatories, I have seen first hand the good and often unsung work of UH in caring for Maunakea. When I first started working on Maunakea 22 years ago, I was so pleased to see Hawaiian Practitioners welcoming the Sun on special days of the year. This practice has faded and rarely do we see these practices happening today which saddens me.

The newly created Center for Maunakea Stewardship (CMS) combined all the resources of the Office of Maunakea Management, and the Maunakea Support Services into one entity. The current management board has consultation from Hawaiian practitioners through the Kahu Kū Mauna and will be in consultation with this group for any and all issues related to the Hawaiian cultural sites and practices.

The University has greatly improved their management of Maunakea over the past 16 years and I believe much of the trouble stems from the approval process set up by the University on the managed land. Approval for any change in use and management must go through many steps, including UH Hilo, UH Manoa and often the state government. For example, the new UH administrative rules required approval by Governor Ige.

In my opinion, UH has never been given adequate or appropriate authority to enforce rules and regulations set up for the management of Maunakea by the state or county. Law enforcement has never been close enough for true enforcement of laws that govern Maunakea including speeders, and those who cause mischief by way of damage or destruction of buildings, historical, and cultural sites. Maybe this needs to be addressed through legislation first, giving true enforcement authority to the University with the funds to hire University police for the sole purpose of policing Maunakea along with the rangers who keep track of the many visitors to the mauna.

I also believe that the new Director of IfA will be responsive to the Hawaiian community and inclusive in the decisions made to manage Maunakea. We need to start that dialog which it seems too many Hawaiian Practitioners have refused.

I wonder why there has not been kia'i at the Visitors information station volunteering to answer questions for the visitors to the mauna? I know that some have been asked/invited in the past. Also, they have been

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invited to specific observatories to give presentations to staff and many have refused. The working group is only now thinking in terms of educating the MKOs staff as to the importance of Maunakea. The staff are required to attend orientation every 3 years. I think they would all welcome visits to educate those who frequent Maunakea in the ways of the Kumu Kānāwai.

In contrast, there have been astronomers volunteering their time to set up telescopes for night sky viewing (none get paid for this - they do it for the love of education and outreach). Perhaps those member of the Hawaiian community opposed to astronomy should first spend time at the visitors information station sharing with the general public their reverence for Maunakea and explaining their various practices. I believe much of this could be done in connection with Kamehameha Schools, and the Departments of Hawaiian Studies at all the Universities and Colleges in Hawaii.

There are a few things which are not explicit in the general plan:

Will the Board members be paid? If so, by whom, the State? The vague wording in the Funds and Financial support section does not explicitly say that the board members will be paid. If members already work for the State, I would consider that to be a conflict of interest.

The fact that all the board members will be appointed positions by the governor except for the ex-officio members, gives me pause that the board will be political, meaning those who are chosen will be beholden to the governor which is also a conflict of interest.

If they are not paid, will they only get a stipend for attending in person meetings or is it only a volunteer position? Again, more explicit wording is required here. There would be no objection to getting reimbursed for travel expenses to in person meetings, though nothing should be paid for virtual meetings.

Who will be the enforcement of rules and regulations or is that left to the rangers? University Police? County Police? There has not been any enforcement granted to the UH police or the rangers which seems to have tied the hands of the UH to enforce many of the rules that have been put in place for management. Perhaps this needs to be done first to give the University a period of time to set up a mode of enforcement. Or have an active presence of county police close by at all times for more prompt response to violations, and accidents.

I know of at least one observatory who has been very good at asking Hawaiian practitioners to come speak to staff but it has been hard to get some to come talk with the staff, so how will this work now that the working group has made the suggestion? Visits by Hawaiian practitioners should start immediately for hour long lunch talks at all the observatories. Start now, don't wait.

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Who will enforce having all users of the mountain attend the orientations and why yearly, why not every 2 or 3 years as with First Responder training or safety training? Does the Maunakea working group have any idea how much training is done now by the MKO staff and what adding more yearly training might do to the schedules for workers?

If management/stewardship continues to be legislated away from UH, I suggest the following:

1. Absolutely nothing has been mentioned about hunters use of Maunakea and in fact, at least 2 members of the board should also be hunters since management of the wildlife should be included in future plans and not just left up to the DLNR representative, one necessarily being native Hawaiian.
2. There is mention that any astronomers included on the management board would have a conflict of interest, but in many ways, that could be said of all the members of this board since all will come with their own agenda. I advocate for an astronomer who can advocate for the continuing effects of light pollution on the island of Hawaii and to advocate for Astronomy outreach to the visitors to be included on the board.
3. Also in order to understand any effects of new rules or regulations on observatories, one member of the board should be someone who works on the operations side of the MKOs. This is important so that they can weigh in on the effects of any changes made to the day to day operations at the observatories.
4. Lastly, there should be another ex-officio on the board knowledgeable of the Health regulations and who would be able to monitor the air, soil, and water quality in the managed areas from the state Health Department.

All total 3 new positions should be added to this management board.

It also must be made absolutely clear that any and all funds collected from the Observatories, commercial tours, and any other entities, must remain under the control of the board for the **sole use** of management of Maunakea, including the payment of maintenance staff, rangers, cooks, and other necessary personnel, upkeep of the dorms, visitors center, road, historical sites, cultural sites, and will not be touched in any way by the state legislators or the governor. This is not to become a source of money for the State government. There must be yearly audits of the funds to ensure that they are used properly for the management of Maunakea.

I have watch in awe as the Moon rises over the ocean, seen spectacular sunsets/sunrises, and viewed many meteor showers from the summit of Maunakea and I know of its special significance to all the people of Hawaii who have been lucky enough to work, practice or play on her slopes and appreciate her majesty. I would hope that we can work together - sharing

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in the responsibility for her stewardship.

Mahalo,
Lisa Wells

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From: [Michitoshi Yoshida](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the Maunakea Working Group's draft report
Date: Monday, January 3, 2022 5:46:48 PM

Comments on the Draft Report of MK WG:

To whom it may concern,

I would like to thank the representatives of the various stakeholders for their efforts to develop a better governance entity for Maunakea management. I hope that through these efforts, the interests will be reconciled and the future of Maunakea will move towards a harmonious blend of culture, science and economics.

The Draft Report makes a strong case for Native Hawaiian participation in the new governance entity, which I agree with. Native Hawaiians have been given no authority and little say in the management of Maunakea until now. Considering the importance of Maunakea to their culture, the measures taken so far are appalling and need to be remedied immediately. In this sense, it is imperative that several Native Hawaiians be included as board members of the new governing entity so that their perspectives can be fully considered in the management of Maunakea.

I think that MK-WG should give a deep consideration to the significance and importance of astronomical activities at Maunakea, which occupy an important position in the current management of Maunakea. Unfortunately, the current Draft Report does not well provide such consideration. Maunakea is one of the best astronomical observation sites on Earth, and many important scientific findings have been obtained through observations there. The Maunakea Observatories have made many important contributions to the scientific process of exploring and revealing the true nature of the universe that gave birth to mankind. It is expected that the observatories will continue to use new instruments of observation based on technological advances to further explore the mysteries of the universe. It will be difficult to organize and operate a truly effective management organization without considering the scientific position of Maunakea astronomy.

The astronomical activities on Maunakea are not industrial activities. The observatories on Maunakea are not for-profit corporations, but rather work purely for the advancement of science and for the purpose of solving the mysteries of the universe. Astronomers are not making money from the observations at Maunakea. On the contrary, they do invest the money necessary for their activities, which contributes somewhat to the economy of Hawaii. The funds come from the universities that support the observatories and from the governments of several countries.

How will the research activities of the observatories on Maunakea be utilized for the development of Hawaii, and how will Maunakea be managed to achieve this goal? The Draft Report lacks concrete descriptions from such perspectives. How do we harmonize astronomical activities with the culture and nature of Maunakea, and in this way, what kind of future vision do we envision? What is the best organization to achieve

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this? What are the concrete plans to achieve this? Is it feasible in terms of time and money? The Draft Report also lacks descriptions of such matters.

Since astronomy is one of the most important focal points of Maunakea management, it would be essential to have astronomers in the governance entity. Some may consider this a conflict of interest, but stakeholders are what they are, and I believe that a management organization that lacks important stakeholders will sooner or later fail to formulate and implement specific management policies. This is a major reaction to the fact that Native Hawaiians have never been empowered to manage Maunakea, and I fear that in the end, the same thing will essentially happen again with a different cast of characters.

With my best regards,
Michitoshi Yoshida
Director, Subaru Telescope

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Michitoshi Yoshida, Prof.
Director, Subaru Telescope
National Astronomical Observatory of Japan

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From: [Georjean Adams](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group Draft Comments
Date: Tuesday, January 4, 2022 12:14:11 PM

I DO NOT support the Mauna Kea Working Group Draft of December 17, 2021.

I respect the beauty and wonder of Maunakea and want to continue to minimize adverse impacts on the environment and maximize expanding our knowledge of the universe. I do not respect the imposition of religious beliefs of a small group of "native" Hawaiians on all of us who love living here and who are proud of the scientific discoveries made by the observatories on our mauna.

It is clear that the majority of the Mauna Kea Working Group intend to eliminate astronomy on the mauna and preserve it solely for their religious practices.

"... the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state." [Ch 3]

FACT: Humans are invasive species on this island - *no matter when we came or what we brought with us.* Our kuleana is to try to be as sustainable as we can be so that future generations can also benefit and love living here. We can learn from some of the stewardship practices of the early settlers (like the concept of ahupua'a or ecosystem management) but should not be bound by religious beliefs. The ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

I support the draft Master Plan for the University of Hawaii Maunakea Lands dated December 10, 2021. The Plan shows careful consideration and balancing of both the cultural and scientific importance of Maunakea. I support the cutting edge observatories on Maunakea, the decommissioning of observatories that are past their prime, and the building of new observatories as they meet standards in the Master Plan. The University of Hawaii has learned a lot (and will keep learning) and has shown that it should continue managing the Maunakea Lands for the benefit of all.

I share with you the inspiring, awesome (telephoto) view from my lanai of Maunakea:

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Georjean Adams
68-1050 Mauna Lani Point Dr
Kamuela, HI 96743

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From: [Tom Blackburn](#)
To: [Mauna Kea Working Group](#)
Subject: MKWG Draft Report Comments
Date: Tuesday, January 4, 2022 2:25:55 PM

The Mauna Kea Working Group Draft Report provides welcome, and overdue, recognition of the need for more direct Native Hawaiian involvement in decision-making about the use of Mauna Kea. It also nicely explicates the special relationship between Native Hawaiian individuals and the ‘āina, which should certainly inform planning and management to a substantial degree going forward. It remains unclear, however, that there is need for an entirely new management organization to meet these goals. OMKM management of Mauna Kea lands has improved dramatically since the critical 1998 State Auditor’s Report, while progress still needs to be made with respect to the particular aspects of management mentioned above. Improvements since 1998 were not acknowledged nor outlined by this report. Instead, the Draft Report focuses on these current shortcomings of OMKM management, as it gives an insufficient nod to the “many stakeholders” with interests in Mauna Kea. So, it’s rather unclear that the Governing Entity described in the report would be one to serve the broader goals of the many interests in the mountain.

A prime example is astronomy, a critical activity on the mountain, with the summit being the best observational vantage point in the Northern Hemisphere, if not the entire world. In addition to being a world-class arena to advance scientific knowledge, it is an important driver of economic activity and jobs for Hawai’i Island and for the state. It provides over 1000 Hawai’i Island jobs directly, and was calculated to have \$168 million dollars of direct and indirect contribution to the state’s economy in 2014, making it one of the top five economic activities in Hawaii.

Despite the importance of astronomy, the MKWG Draft Report makes almost no mention of any of this value. In addition to an explicit charge to the Governing Entity to limit astronomy development on the mauna, the tenor of the report seems to be aimed toward marginalizing astronomy while slowly squeezing it out of existence on a broader scale. There absolutely should be a representative from the astronomy community on any eventual Governing Entity. This is especially true given the report’s statement that the “Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea.” Apart from the tremendous power allocated to the Governing Entity that is inherent in this statement, it suggests that the expertise and traditional roles of other state agencies might be minimized or circumvented as land use decisions are made and implemented.

It’s also unclear what the phrase “the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to it’s natural state” means. Does this refer to landscape restoration to its natural state as individual observatories are decommissioned (which has long been part of any plan for such), or perhaps to simply decommissioning the whole of astronomy?

Many astronomy opponents seem to have the goal of ridding the mauna entirely of astronomical activity. But a very large number, perhaps even a majority, of residents of both Hawai’i Island and the entire state would like to see a model partnership of science and indigenous culture developed for Mauna Kea. It could be a visionary example for the entire world. The Governing Entity, as outlined in draft form, does not seem to be predisposed toward this kind of visionary partnership at all. Perhaps more importantly, it would also appear to miss representing the wishes of a large part of the state, including those of many Native Hawaiians.

Respectfully submitted,
Thomas Blackburn
Kailua Kona

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From: [H B](#)
To: [Mauna Kea Working Group](#)
Subject: Comment on Maunakea Working Group's Draft Report and Recommendations
Date: Tuesday, January 4, 2022 10:23:39 AM

Aloha, My name is Henry Boothe and I am writing to comment on the draft report for the Maunakea working group.

I am disappointed in the recommended plan for the management of Maunakea. Those with a history of abusing Maunakea should not even have a seat at the table. I suspect this is why the report contains nothing new to prevent future desecration and degradation that Maunakea has long experienced. Expect resistance.

Sincerely,
Henry Boothe

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From: dennisnmb@gmail.com
To: [Mauna Kea Working Group](#)
Subject: Comments on Draft Final MKWG Report: IN OPPOSITION
Date: Tuesday, January 4, 2022 2:42:04 PM

To Whom it May Concern:

I am writing in **strong opposition** to the approach taken and the recommendations made in the Mauna Kea Working Group draft final report. It is clear from review of the draft that the ostensible purpose of the group, to propose a new framework for management of Mauna Kea, should be understood as code to develop a way to stop TMK. Let me explain my conclusion:

- **Eliminating the astronomy community**, one of the primary island communities utilizing space on Mauna Kea, from the Government Entity proposed as the new Manager is a confounding conclusion for a group dedicated to “community input and outreach” to have reached. It ensures anything but comprehensive “community input”.
- Taking an extremely **one sided and ethnocentric view** of a shared environmental resource is hardly the way to avoid the polarization the report decries in its description of the previous efforts undertaken by the current Manager.
- **Ignoring the recent efforts** the University of Hawaii has proposed, in what seems a good faith effort, to listen to complaints and ameliorate past omissions, certainly presents a one-sided assessment of a complex situation.
- Allowing **a three year transition period** for the new Governing Entity to assume management ensures that sufficient lease arrangements for TMK and for astronomy on the mountain are impossible, thus rendering the demise of TMK a foregone conclusion.
- Planning to **“return the Mauna above 9200 feet elevation to its natural state”**, which I can only read as a pre-observatory state, is pretty unambiguous about blocking TMK and astronomy in general from the mountain and the state.

I get it that the idea for this working group was a political placeholder for opposition to TMK, and that that opposition is in its turn a placeholder for outrage at the abridgement of Hawaiian sovereignty, but why the subterfuge? Let’s call it what it is and call this report what it is: an exhaustive effort at further confusing a complex situation in which there are multiple stakeholders, and an excuse for coming up with a pre-determined conclusion for one highly vocal stakeholder group that by no means speaks for the entire group it purports to represent.

Dennis Boyd
Kailua Kona



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From: dennisnmb@gmail.com
To: [Mauna Kea Working Group](#)
Subject: FW: Comments on Draft Final MKWG Report: IN OPPOSITION - correction
Date: Tuesday, January 4, 2022 4:17:14 PM

Initial, timely submission auto corrected TMT to TMK – corrected here. Pls accept these corrected comments which are the same except for that correction.

Dennis Boyd

From: dennisnmb@gmail.com <dennisnmb@gmail.com>
Sent: Tuesday, January 4, 2022 2:42 PM
To: maunakeaWG@capitol.hawaii.gov
Subject: Comments on Draft Final MKWG Report: IN OPPOSITION

To Whom it May Concern:

I am writing in **strong opposition** to the approach taken and the recommendations made in the Mauna Kea Working Group draft final report. It is clear from review of the draft that the ostensible purpose of the group, to propose a new framework for management of Mauna Kea, should be understood as code to develop a way to stop TMT. Let me explain my conclusion:

- **Eliminating the astronomy community**, one of the primary island communities utilizing space on Mauna Kea, from the Government Entity proposed as the new Manager is a confounding conclusion for a group dedicated to “community input and outreach” to have reached. It ensures anything but comprehensive “community input”.
- Taking an extremely **one sided and ethnocentric view** of a shared environmental resource is hardly the way to avoid the polarization the report decries in its description of the previous efforts undertaken by the current Manager.
- **Ignoring the recent efforts** the University of Hawaii has proposed, in what seems a good faith effort, to listen to complaints and ameliorate past omissions, certainly presents a one-sided assessment of a complex situation.
- Allowing **a three year transition period** for the new Governing Entity to assume management ensures that sufficient lease arrangements for TMT and for astronomy on the mountain are impossible, thus rendering the demise of TMT a foregone conclusion.
- Planning to **“return the Mauna above 9200 feet elevation to its natural state”**, which I can only read as a pre-observatory state, is pretty unambiguous about blocking TMT and astronomy in general from the mountain and the state.

I get it that the idea for this working group was a political placeholder for opposition to TMT, and that that opposition is in its turn a placeholder for outrage at the abridgement of Hawaiian sovereignty, but why the subterfuge? Let’s call it what it is and call this report what it is: an

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exhaustive effort at further confusing a complex situation in which there are multiple stakeholders, and an excuse for coming up with a pre-determined conclusion for one highly vocal stakeholder group that by no means speaks for the entire group it proports to represent.

Dennis Boyd
Kailua Kona



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From: [Devin Chu](#)
To: [Mauna Kea Working Group](#)
Subject: MKWG Testimony from a Hilo-raised astronomer
Date: Tuesday, January 4, 2022 10:09:15 AM

Aloha,

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must

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explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative.

I am a Hilo-raised astronomer with the hope of seeing my community thrive. I hope these comments communicate my thoughts on an issue very dear to my heart.

Mahalo nui loa,

Devin Chu, PhD
Astronomy and Astrophysics Postdoc
UCLA

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From: [Gregory Chun](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group's Draft Report: He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea
Date: Tuesday, January 4, 2022 3:12:03 PM
Attachments: [UH Response to the Maunakea Working Group FINAL.pdf](#)

To Whom It May Concern,

Please find attached the University of Hawai'i's response to the Maunakea Working Group's Draft Report. We appreciate the opportunity to comment and are available for any questions you or others may have regarding our comments and our stewardship program.

Mahalo nui.

Gregory Chun, Ph.D.
Executive Director
UHH Center for Maunakea Stewardship
E: gchun711@hawaii.edu
M: 808.271.5766

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University of Hawai'i Response to the Maunakea Working Group's Draft Report: He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea

Mahalo for the opportunity to provide comments on the Mauna Kea Working Group's ("MKWG") Draft Report to the Hawai'i State Legislature entitled, *He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea* ("Report"). It is clear from the Report that the MKWG worked diligently in fulfilling their charge.

We have organized our response around five themes that arise from the content of the Report:

1) The University of Hawai'i (UH) embraces the value of the Kānāwai principles; 2) The MKWG's recommendations risk the future of astronomy in Hawai'i and beyond; 3) The complexities and costs of managing access to public lands have been underestimated; 4) Legal and administrative concerns; and 5) UH's responsible stewardship of Maunakea.

Our cover letter summarizes our views on these themes with further elaboration provided in the Attachment. Our intent is to provide an overview of the real challenges and implications of the Report and provide background that should be considered prior to contemplating and drafting legislation seeking to build upon the recommendations in the Report. Further discussion is welcomed.

1. The Kānāwai principles are consistent with UH plans for Maunakea

We acknowledge and appreciate the holistic and integrated approach of the Kānāwai principles described in the Report. The symbiotic connections between the elements of nature, and of nature with humans, emphasizes the importance of sustaining balance between these forms. These principles are valuable guidelines for land use planning and decision making. We understand that stewardship of Maunakea is a privilege that requires a comprehensive and cohesive management program. The University embraces these perspectives, which are reflected in the integrated and balanced nature of our own Master Plan including our proposed update, our Comprehensive Management Plans, and our Administrative Rules that collectively and specifically outline our commitments and responsibilities to Maunakea, the state, and the communities we serve.

As you know, managing public lands, especially 'āina with as many complexities and conflicting expectations is extraordinarily complex. We are committed to continuous improvement and look forward to improving the application and integration of these principles into the University's existing and next plans within the context of governing laws and regulations.

2. The MKWG Report places the future of astronomy at risk

Foundational to the Report's recommendations is the position of the MKWG that astronomy on Maunakea above the 9,200 foot elevation should be phased out as an allowed land use (Page 25).

Support for astronomy on Maunakea is a longstanding State policy going back more than fifty years. At that time, the State decided that it did not want to just be a passive landlord for the best observatories in the world but that Hawai'i should be the home of a world-class program of astronomy research and education. This has enabled Hawai'i to participate in and lead the discoveries that underlie human understanding of the origins of the universe and the celestial bodies around us. It is not an overstatement to say that what is at risk here is the future of

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astronomy as a field of human inquiry, as a source of economic activity on Hawai'i Island, as an inspiration for Hawai'i's youth, as a source of pride for the people of Hawai'i, and as an area of international excellence for UH and our students. Consistent with its place in Hawaiian cultural tradition and cosmology, *Maunakea stands as a uniquely treasured scientific and community resource.*

Maunakea is truly deserving of the highest levels of stewardship. Decisions on access to Maunakea for culture, science, education, recreation, and commercial activities require broader policy discussions involving stakeholders across multiple communities and policy-makers on Hawai'i Island and the State. The recommendation to eliminate astronomy is not substantiated by wider stakeholder input in the Report.

The risk to astronomy's future is further amplified by the lack of specifics in the implementation plan for establishing the new Governing Entity proposed by the MKWG. Numerous steps would need to be achieved to establish the new Governing Entity including, but not limited to, enabling legislation, land transfers, development of land use and management plans, permitting requirements, development and coordination of administrative rules across jurisdictions, standard operations start-up, and the potential for appeals at multiple steps along the way. At the Board of Regents direction, the UH administration conducted its own analysis of alternate governance models for Maunakea in 2020. The MKWG's projected timeline of three years to establish the new Governing Entity is unrealistic and exacerbates the risk to the future of astronomy due to the impending termination of the current general lease in 2033. These are no small steps and the lack of a viable business plan on top of these challenges makes success highly speculative, especially with the Report's reliance on general fund appropriation.

3. The complexities and costs of managing access to public lands have been underestimated

Under the proposed powers and duties in the Report, public access appears to be more restrictive and does not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and economic (including commercial tour operator) uses. Does the MKWG propose to prohibit snow play? Hunting? Hiking? Who would determine the legitimacy of claims made by individual native Hawaiian cultural practitioners?

Access to Maunakea by Hawai'i Island residents, including native Hawaiian practitioners, is one of the most contentious and consistently raised concerns in matters related to Maunakea. The Report underestimates the complexity of addressing public interests and coordinating across the various jurisdictions on Maunakea. The proposal to include adjacent State and private lands into the jurisdiction of the new Governing Entity exacerbates the operational complexities of the enterprise and significantly increases its resource requirements. It is also unclear on how new rules and procedures the new Governing Entity adopts would integrate with existing rules governing activities on DLNR, DHHL, County, and private landowner property that is included in the new land area defined in the Report. Importantly, who does the MKWG propose to allow to have access, who will it prohibit, and who will make decisions about how individuals are placed into categories that are allowed or disallowed access?

Finally, the Report does not meaningfully address the resource requirements of the new Governing Entity. Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so

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that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

4. Legal, administrative, and funding issues present risks for implementation of the MKWG's proposal

There are a number of legal, administrative, and funding concerns raised by the MKWG's proposal that will require further analysis and discussion. These include but are not limited to:

- A. The potential constitutional concerns related to race-based membership of a government entity with control over state lands and resources.
- B. The Report does not account for the complexity of the various jurisdictions on Maunakea, and the variety of funding sources that will need to be shored up, or replaced with general funds.
- C. As discussed before, stakeholder representation on the board of the new Governing Entity will in and of itself create governance and funding problems.
- D. The complexities and risks of successfully working through the aforementioned tasks of realigning, much less simply coordinating, management of public lands that are currently under leases and/or the jurisdiction of different agencies with different administrative rules.

All of these are complex issues and any one of these is a potential show stopper given the contentious nature and resources required of them. Attaching the success of a newly established entity to highly speculative outcomes requires considerably more cost-benefit analyses than is provided in the Report.

5. The University's commitment and ability to successfully steward Maunakea has been demonstrated

The University has acknowledged and apologized for its stewardship of Maunakea in the last century. Subsequent state audits of the University's management of Maunakea have documented our commitment and improvement over time. In its *Report on the Implementation of State Auditor's Recommendations 2014 – 2017*, the State Auditor noted that of the several audit recommendations from 1998, only four (4) were outstanding as of its November 2019 report. One item, directly under the control of the University, was completed with the University Board of Regents' ("BOR") adoption of Hawai'i Administrative Rules ("HAR") chapter 20-26 on November 6, 2019 (approved by the governor on January 13, 2020). The University is actively working on the remaining three (3) items in coordination with DLNR, which has final approval on these particular tasks. These remaining items are dependent on whether a new general lease is to be granted to UH and, more significantly, whether there is a future for astronomy on Maunakea, both of which are decisions outside UH's sole authority.

The University is charged with implementing 103 management actions in the *Mauna Kea Comprehensive Management Plan*, adopted by BLNR in 2009 ("CMP"). The University's implementation of the CMP was the subject of an independent review conducted by Kuiwalu in December 2020 at the direction of DLNR ("Independent Evaluation"). DLNR's Independent Evaluation of the University's implementation of the comprehensive management plan showed that UH had achieved good or some progress on 8 of the 10 desired outcomes identified in the

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CMP. The two outcomes where we received a minimal progress rating are actively being worked on. This evaluation also found that ***people's perceptions of UH's effectiveness as manager were associated to whether people supported telescope development on Maunakea, i.e., no change in management practice will satisfy many of those who oppose TMT or even astronomy on Maunakea.*** This is not a management issue; this is a challenging and contentious statewide policy issue that is, again, not a decision that UH alone makes.

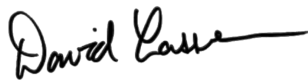
Our efforts to improve stewardship have been recognized by the community. In 2017 UH received the Pualu Award from the Kona-Kohala Chamber of Commerce for our education and outreach. In 2017 UH received a Preservation Commendation Award from the Historic Hawai'i Foundation for our interpretative efforts. And in 2016 we received the Pualu Award for Environmental Awareness from the Kona-Kohala Chamber of Commerce. Finally, and perhaps most notable, in 2011 the Wekiu Bug was removed from endangered species candidate list because of our ecosystem restoration efforts.

The University should be judged by our complete record which shows substantial improvement over time across multiple dimensions. Our commitment has been reliably demonstrated in time, effort, and resources committed by us over the years in the exercise of our stewardship responsibilities for the privilege of access we have. ***The University believes that the criticism of "mismanagement" often levied against UH, and seemingly the basis for the Report, is now inaccurate and derives from the accusations of those who oppose the state policies in support of astronomy on Maunakea rather than the actual practices of the University.***

For these, and the reasons further detailed in the Attachment, we humbly suggest that instead of creating a new entity, the focus turns to what the Hawai'i Island community, native Hawaiian practitioners, Maunakea observatories, and DLNR have learned over time to continuously improve the University's stewardship of what has become one of the most, if not the most complex land management challenge in Hawai'i.

We are available for any questions you or others may have regarding our comments and our stewardship program.

Na māua iho nō me ka 'oia'i'o,



David Lassner
President, UH System



Gregory Chun
Executive Director, Center for Maunakea Stewardship

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ATTACHMENT

University of Hawai'i (UH) Response to the Maunakea Working Group's Draft Report: He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea

1. The Kānāwai Principles are Consistent with UH Plans for Maunakea

UH acknowledges and appreciates the holistic and integrated approach of the Kānāwai principles described in detail in the Foreword, Introduction, and Chapters 2 and 3 of the Report. The symbiotic connections between the elements of nature, and of nature with humans, emphasizes the importance of sustaining balance between these forms. As stated in the report:

"Normalizing the use of these traditional kānāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the 'āina." (Page 5).

The connected nature of our surroundings and, therefore, the importance of sustaining balance between the various branches of the natural world are well established in many indigenous cultures. It is a lesson lost upon a large fraction of the world's population and as an institution grounded in science, UH finds the concepts laid out in the four kānāwai to be sound and relatable. They are the product of centuries of observation and learning in an island setting, developing practices that fundamentally sustain populations of living organisms, including humans, over long periods of time. Embracing them in the future makes sense, given the demonstrated success of their application in the past.

Chapter 3 of the Report is an attempt to bridge the elegant concepts laid out in the previous chapters into a management structure predicated on the kānāwai. Guiding principles are articulated, including:

"We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards without jeopardizing our foundation of 'āina aloha." (Page 20).

This is an important statement because it explicitly acknowledges the importance of continuity in knowledge systems to support 'āina aloha, past, present, and future through "...new knowledge and opportunities...". It is a hopeful and upbeat statement, but the report fails to identify how the approach proposed would actually lead to "new knowledge and opportunities" for our community. It sets up a dichotomy of interests and begs the question, what is the ultimate goal of the proposed management model?

The management of public lands is complicated, as you know, and as any agency will tell you. But, unlike any other land management framework in the state, the University has several layers built into its management framework that includes the Hawai'i Island community, academics, observatory operators, and the native Hawaiian community who are represented at various levels of decision making. This framework for managing lands on Maunakea was developed

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over decades. The University has built constituencies, infrastructure, and funding to support its efforts. The University's new draft Master Plan and our updates to the Comprehensive Management Plan consider and incorporate what has been learned. Through its experience, the University has successfully moved toward a more balanced goal of astronomy, stewardship, and respect for Maunakea.

The University understands that stewardship of Maunakea is a privilege that requires a comprehensive and cohesive management program. The University embraces the intent of the k^ān^āwai, which is reflected in the integrated and balanced nature of our master plan and our proposed update, management plans, and administrative rules that collectively outline our commitments and responsibilities to Maunakea, the state, and the community in specific terms. These principles are valuable guidelines for land use planning and decision making and we are committed to continuous improvement and look forward to learning how to improve the application and integration of these principles into the University's existing plans and policies and within the context of governing law and regulation. Maunakea lands currently managed by the University are ceded lands with great cultural significance to native Hawaiians. Ceded lands are held in trust for the five (5) purposes enumerated under section 5(f) of the Admission Act of 1959 and the k^ān^āwai principles can help further balance those objectives.¹

2. The MKWG Report places the future of astronomy is at risk

Foundational to the Report's recommendations is the position of the MKWG that astronomy on Maunakea above the 9,200 foot elevation will no longer be an allowed land use:

"The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state" (Page 25).

The Report also states that the MKWG had robust discussions over whether future legislation should limit the current astronomy footprint:

"The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawaii's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members" (Page 25 Footnote 5).

¹ Section 5(f) of the Admission Act, provides that ceded lands trust purposes are "[1] the support of the public schools and [2] other public educational institutions, [3] the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, [4] the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and [5] the provision of lands for public use."

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The Report is also not clear on the question of funding and the details of implementation are lacking:

“To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding” (Page 27).

“To assure that the Governing Entity has adequate time to establish itself, the Governing Entity shall have a transition period of three years to assume management of Mauna a Wākea lands”; and,

“To help establish the Governing Entity, general funds should be allocated by the Legislature for at least the first five years. Special funds shall also be used to provide financial support for the Governing Entity.” (Pages 24 and 27)

Further, the Report states decision making regarding the new managed lands will be under the “sole authority” of the proposed new Governing Entity:

“The Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea (See JURISDICTION)” (Page 24).

Collectively, the result of these proposed changes, *i.e.*, uncertainty regarding: the future for astronomy, implementation requirements, and decision-making authority, is to increase substantially the risk to the ongoing viability of astronomy. Importantly, the process for implementing the recommendations must occur at an unprecedented pace to enable a future for Maunakea (Hawai‘i) astronomy. Numerous steps would need to be achieved including but not limited to enabling legislation, land transfers, development of land use and management plans, development and coordination of administrative rules across jurisdictions, and operations start-up. The projected timeline of three years to establish the new entity is unrealistic and exacerbates the risk to the future of astronomy due to the impending termination of the current general lease in 2033 (see section 5 herein for UH’s governance analysis). The lack of a viable business plan on top of these make success highly speculative, especially with the Report’s reliance on general fund appropriation.

It must also be noted that these changes require not just State of Hawai‘i approval but they must be embraced by US and international federal funding agencies that are wary of large-scale change without assurances of long-term stability. The prospect of protracted litigation, on top of all the other challenges to forging, funding, and implementing a new Governing Entity in the three years prescribed, will surely push the timescale for this proposal well beyond the horizon of viability for the existing Maunakea Observatories.

Support for astronomy on Maunakea is a longstanding State policy going back more than fifty years. At that time, the State decided that it did not want to just be a passive landlord for the best observatories in the world but that Hawai‘i should be the home of a world-class program of astronomy research and education. This has enabled Hawai‘i to participate in and lead the discoveries that underlie human understanding of the origins of the universe and the celestial

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bodies around us. It is not an overstatement to say that what is at risk here is the future of astronomy as a field of human inquiry, as a source of economic activity on Hawai'i Island, as an inspiration for Hawai'i's youth, as a source of pride for the people of Hawai'i, and as an area of international excellence for UH and our students. Consistent with its place in Hawaiian cultural tradition and cosmology, *Maunakea stands as a uniquely treasured scientific and community resource.*

3. The complexities and costs of managing access to public lands have been underestimated

Under the proposed powers and duties in the Report, public access appears to be more restrictive and does not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and economic (including commercial tour operator) uses. Does the MKWG propose to prohibit snow play? Hunting? Hiking? Who would determine the legitimacy of claims made by individual native Hawaiian cultural practitioners?

Access to Maunakea by Hawai'i Island residents, including native Hawaiian practitioners, is one of the most consistently raised concerns in matters related to Maunakea. The Report's proposal appears to be more restrictive and may not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and commercial uses. For example, the Report states on pages 24 and 26:

*"The Working Group recognized that the scope of managing an area of such important cultural significance and geographic size presents many challenges. **Additionally, because Mauna a Wākea is the kuahiwi, or backbone, of Hawai'i Island in a structural, physical, and spiritual sense, the Governing Entity should work toward decreasing the human footprint of all users and visitors of Mauna a Wākea.**" (Emphasis added); and,*

"The Governing Entity shall establish a management framework guided by the Kumu Kānāwai to manage access, stewardship, education, research, permitted uses for frequent and seasonal users, and overall operations. The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use."; and,

"The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance. Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time."

In 2020 Governor Ige approved Hawai'i Administrative Rules ("HAR") Chapter 20-26 which was developed by the University with significant public input received over multiple years, to be able to enforce our stewardship responsibilities. HAR Chapter 20-26 regulates commercial and public activities on Maunakea lands managed by UH. The rules allow activities subject to the impacts of those activities being addressed. Commercial activities, such as commercial tours, are regulated by permit and operators are required to pay for the impact they have on the resources and for use of public facilities. Commercial tour operators provide a needed service by reducing independent vehicles driving up Maunakea, and this activity provides economic opportunities for the local community. Under HAR 20-26 the University is authorized to levy fees and fines with the opportunity for appeal. The University regulates impacts to resources

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caused by public and commercial activities, not native Hawaiian cultural practices. And despite vague criticisms to the contrary, the University has never denied access to native Hawaiian cultural practitioners.

Finally, the Report does not meaningfully address the resource requirements of the new Governing Entity. Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

4. Legal, administrative, and funding issues present risks for implementation of the MKWG's proposal

There are a number of legal, administrative, and funding concerns raised by the MKWG's proposal that will require further analysis and debate. These include but are not limited to:

- A. The potential constitutional concerns related to race-based membership of a government entity with control over state lands and resources.

While we understand the intent, the designation of members of a state entity by race raises state and federal constitutional questions. Note that the Kaho'olawe Island Reserve Commission (HRS § 6K-5) and the burial council (HRS § 6E-43.5), both referenced in the Report, do not limit seats on its boards to "native Hawaiians." Instead, for example, burial councils are comprised as follows:

"Regional representatives shall be selected from the Hawaiian community on the basis of the representatives' understanding of the culture, history, burial beliefs, customs, and practices of native Hawaiians in the region they each represent."

We acknowledge that other agencies have board compositions where seats are explicitly designated for native Hawaiians. For example, the Hawaiian Homes Commission Act § 202(a) provides that "at least four of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." And, the Papahānaumokuākea Council Charter provides that members shall include "three Native Hawaiian representatives." However, the purposes of those bodies are distinctly different from the new Governing Entity. DHHL was established specifically for the benefit of native Hawaiians and Papahānaumokuākea is an interagency management collaborative where individual partners do not cede their jurisdiction to the collaborative. Board composition tied to race should be further evaluated, particularly when the authority of the new Governing Entity is to manage public lands and state resources.

- B. The Report does not account for the complexity of the various jurisdictions on Maunakea, and the variety of funding sources that will need to be shored up, or replaced with general funds.

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- i. Public lands should remain with the State for the benefit of the public.

On page 24 of the Report, the MKWG states:

“The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai‘i”

This language mirrors Hawai‘i Revised Statutes § 6K-9, related to the Kaho‘olawe Island Reserve Commission. However, Maunakea is not Kaho‘olawe. While both are culturally significant, unlike Kaho‘olawe, Maunakea is actively used by the Hawai‘i Island community, including native Hawaiians, researchers, and others from across the state. These are ceded government lands that should remain with the State of Hawai‘i for the five (5) stated purposes under section 5(f) of the Admission Act.

- ii. The Report’s proposal to expand the land area under a new Governing Entity adds uncertainty and complexity to an already complex management issue.

The Report recommends a significant expansion of currently managed lands, pulling in private lands and other state lands managed under different laws as follows:

“the jurisdiction area for the Governing Entity shall be state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea, in order to care for Mauna a Wākea through an integrated, whole systems approach. Additionally, for lands outside of its jurisdiction, the Governing Entity shall enter into cooperative management agreements with the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area.”

Conservative estimates of this expansion could include approximately 56,000 acres of DHHL property, and more than 50,000 acres and 3,800 acres designated as DLNR Forest Reserve (“FR”) and Natural Area Reserve (“NAR”) land, respectively, in addition to other unidentified state, county, and privately owned lands that are referenced. The Report does not provide any details on how the new entity will manage state and private lands, and it is unclear what is meant by the new Governing Entity having jurisdiction over adjacent private lands as proposed in the Report. The Report discusses the idea of cooperative agreements but there could be significant property right issues raised through this expansion.

- iii. Powers and duties of the new Governing Entity are unclear and already exist.

Existing plans and rules developed and implemented by the University and DLNR over decades of learned and practiced management provide the integrated planning and decision-making framework suggested in the Report.

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Chapter 3 of the Report details the powers and duties of the new governing entity on pages 24-25. Among other matters, it states that:

“...the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the state’s energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values.”

Before updating of the master plan for lands managed by the University on Maunakea, the University explored the idea of combining its two governing documents: the master plan adopted by BOR and the CMP adopted by BLNR. Based on the University’s assessment, in consultation with DLNR, we determined that combining them may not be practicable.

Both plans are implemented together and are consistent; however, each serves a different purpose. The CMP is a plan required when applying for a conservation district use permit. It addresses ongoing resource management practices to avoid, mitigate, or minimize impacts caused by proposed uses and activities. The master plan is the University’s vision for the lands it manages on Maunakea for a period of years, and it provides a framework for proposed land uses and decision making early in the planning process before a proposal is advanced to permitting, environmental review, and funding consideration. The University’s master plan and CMP, along with the administrative rules, collectively are required to achieve the state’s long-term goals of stewardship and sustainability.

Chapter 3 of the Report also provides that the new governing entity must comply with various statutes applicable to state agencies, but suggests that Maunakea lands be placed in the FR. On page 25 of the Report, it states:

“To maximize transparency, the Governing Entity shall be subject to administrative procedure pursuant to chapter 91, Hawaii Revised Statutes; Sunshine Law, pursuant to chapter 92, Hawaii Revised Statutes; the State Procurement Code, pursuant to chapter 103D, Hawaii Revised Statutes; and chapters 183, 205, 205A, and 343, Hawaii Revised Statutes.”

The Report suggests that these lands should be subject to HRS chapter 183, *Forest Reserves, Water Development, Zoning*. Lands designated FR will be subject to the rules and program under DLNR’s Division of Forestry and Wildlife (“DOFAW”). FR rules are far more restrictive generally than conservation district rules (e.g., it is unlikely that astronomy facilities would be allowed in the FR).

Building capacity to operate under HRS chapter 91, the Hawai’i Administrative Procedures Act (“HAPA”), takes time, staff, and resources. HAPA covers rule making, contested cases, and declaratory orders. The Report does not provide

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detail on these resource-intensive requirements. These regulatory frameworks are needed, if as the Report suggests, the new entity will have more enforcement authority than the University currently has. The Report states on pages 26-27:

“[T]he Governing Entity shall work with the Department of Land and Natural Resources’ Division of Conservation and Resources Enforcement and Hawai’i County Police enforcement structure to enforce rules and monitor public safety through cooperative agreement. Additionally, the Governing Entity shall create operational procedures that are guided by the Kumu Kānāwai and implemented by enforcement partners.”

The Report is unclear on how new rules and procedures it adopts would integrate with existing rules governing activities on DLNR, DHHL, private, and other government lands included in the new land area defined in the Report. It is also unclear what the statement “...guided by the Kumu Kānāwai and implemented by enforcement partners” means to people who would visit Maunakea, such as Hawai’i Island residents, including native Hawaiians.

The University already has administrative processes and procedures in place. It already works under the sunshine law, procurement, HRS chapter 343, and other agency regulations related to land use. These processes have been scrutinized and tested by internal audits, state audits, DLNR oversight, and Hawai’i courts. How these matters are proposed to be handled directly impacts the viability and resource needs of the new entity.

C. The adequacy of stakeholder representation on the board of the new Governing Entity.

The Report recommends the establishment of a new attached state agency governed by a board of directors: On page 22, the Report states:

“The Governing Entity shall be attached to the Office of the Chairperson of the Board of Land and Natural Resources for administrative purposes. Decision-making for the Governing Entity shall be made by a nine-member board, of which seven seats shall be appointed and two seats shall be held by ex-officio members, with the board selecting a Chair from among its non-ex-officio members; provided that the Chair shall not be the Executive Director of the Governing Entity. Additionally, of the nine members, four of the seven non-ex-officio board members shall be Native Hawaiian Hawaii Island residents, with a preference for Native Hawaiian Hawaii Island residents for all seven non-ex-officio board seats.”

While the University agrees that broad representation on the governing board of a state land management entity is needed to ensure the range of perspectives Maunakea deserves, key expertise is lacking from the proposed structure, including seats for observatory and University representatives.

The MKWG’s lack of consensus for having astronomy representation and for eliminating University representation on the governing entity board is problematic. The Report argues that this would create a potential conflict of interest. First, it is not uncommon to have tenant and stakeholder representation on governing boards of attached state agencies. For example, the Natural Energy Laboratory of Hawai’i (“NELHA”) maintains

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two seats on its board of directors for tenants who hold direct leases from the agency. Second, every board, public and private, deals with conflicts of interest through reporting and recusal procedures, so this alone is not sufficient reason to omit these important perspectives especially if they are a primary source of funding stewardship activities.

By contrast, the University's management framework includes community advisory groups, such as Mauna Kea Management Board ("MKMB") and Kahu Kū Mauna ("KKM") who have early and direct input into the decision-making process. Additional committees that advise the MKMB, like the Environment Committee ("EC"), provide additional, specific expertise. All of these advisory groups include Hawai'i Island members who are directly impacted by decisions on Maunakea.

- D. Working through the aforementioned complexities of realigning, much less simply coordinating, management of public lands that are currently under the jurisdiction of different agencies, subject to different administrative rules, appear to have been underestimated, like the time for start-up and amounts of funding.

The details of the University's concerns here were outlined in section B(iii) above. The processes for working through the challenges of multiple jurisdictions are already in place so further analysis should be performed to discern the cost of duplication or replication of these processes, as compared with any purported benefit.

Each of these issues is itself complex, and any one of them is a potential show stopper given the contentious nature and resources required of them. Attaching the success of a newly established entity to highly speculative outcomes requires considerable more analysis before even attempting to draft legislation.

5. The University's commitment and ability to successfully to steward Maunakea has been demonstrated

While not explicitly stated in the Report, the rationale for the formation of the MKWG, and the need to establish a new governing entity, appears to be based on the assumption that a new entity could manage Maunakea better than the University. This assumption seems to be based on a snapshot of reports that evaluated the University's management over the years as well as a lack of recognition of the University's own efforts and response to the University's critics.

- A. State audits of the University's management of Maunakea show improvement over time

The Report on page 3 cites a series of State Audits that began in 1998 and concludes with the statement that "Subsequent reports, which still identified shortcomings, were filed by the State Legislative Auditor's office in 2005, 2014, 2017, and 2019." The University has acknowledged and apologized for its stewardship of Maunakea in the last century, but subsequent state audits of the University's management of Maunakea have documented our commitment and improvement over time.

In its *Report on the Implementation of State Auditor's Recommendations 2014 – 2017*, the State Auditor noted that of the several audit recommendations from 1998, only four (4) were outstanding as of its November 2019 report. One item, directly under the control of the University, was completed with the University Board of Regents' ("BOR") adoption of Hawai'i Administrative Rules ("HAR") chapter 20-26 on November 6, 2019 (approved by the governor on January 13, 2020).

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The University is actively working on the remaining three (3) items in coordination with DLNR, which has final approval on these particular tasks. These three (3) items are:

- i. “The University of Hawai‘i should renegotiate with existing sublessees to amend subleases to include provisions that address stewardship issues, as modeled by the provisions in the 2014 TMT sublease, following execution of the new general leases for UH-managed lands on Mauna Kea”;
- ii. “The Department of Land and Natural Resources should continue working with UH to renew the general leases for the UH-managed lands on Mauna Kea and ensure the leases are substantially in the form DLNR’s Land Division recommended for approval by the land board”; and
- iii. “The Department of Land and Natural Resources should use additional stewardship-related conditions contained within the TMT observatory permit as a template in all new observatory permits issued for the summit of Mauna Kea.”

The timeline on the first two of these audit items is affected by challenges brought by the Office of Hawaiian Affairs (“OHA”) and other groups who oppose TMT in several ongoing administrative and judicial appeals. If the Board of Land and Natural Resources (“BLNR”) grants the University another general lease, then BLNR must approve the first two items, which the University intends to comply with. The third audit item regarding whether BLNR grants a new astronomy facility conditional use permits is not within the University’s control.

These audit findings show the significant progress the University has made over time in fulfilling its management responsibilities. Reliance on those past audits as a measure of the University’s recent or current performance is no longer valid, and the past audits do not support taking the management away from the University. Instead, those audit reports confirm that the University has learned from its decades-long management and improved based on that experience.

- B. The Independent Evaluation of University’s implementation of the CMP was positive in most all areas, and the University has made changes to improve the few areas marked for improvement

The University is charged with implementing 103 management actions in the *Mauna Kea Comprehensive Management Plan*, adopted by BLNR in 2009 (“CMP”). The University’s implementation of the CMP was the subject of an independent review conducted by Kuiwalu in December 2020 at the direction of DLNR (“Independent Evaluation”).

The Report picked up on some aspects of the Independent Evaluation; however, it is important to consider the actual text of the Independent Evaluation. As stated in the Independent Evaluation:

“The purpose of this Independent Evaluation Report (Report) is to (1) evaluate the effectiveness of UH, specifically OMKM’s, implementation of the specific Management Component Plans (MCP) found in Section 7 of the CMP, and (2) to evaluate the efficiency of the governance structure in managing the cultural and natural resources within state conservation lands under lease to UH.”

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The Independent Evaluation offers the following conclusions:

- i. “UH’s self-assessment and many of the public comments which included members of the Native Hawaiian community and government agencies, have acknowledged that OMKM has implemented most of the 103 MAs within the MCPs. Many have commented that OMKM has effectively implemented many of the MAs that have resulted in protecting and preserving the cultural and natural resources within the state conservation lands.”
- ii. “[I]n the areas of untimely adoption of the administrative rules, cultural resources, and education and community outreach, especially with the Native Hawaiian stakeholders, the efforts by OMKM have been ineffective to achieve the desired outcome.”

It is important to note regarding the above conclusions that:

- i. At the time of the Independent Evaluation, HAR chapter 20-26 was adopted by BOR and approved by the governor. The University is currently implementing the rules. Before BOR adopted the rules (which it was granted authority to adopt in 2009 under Act 132), the University was continuously implementing the 103 CMP management actions, administering commercial tour operator permits, and coordinating on enforcement related to resources and public health and safety with entities like DLNR and its various programs² and county first responders.
- ii. Outreach to the Hawai’i Island community, including native Hawaiians, has been a mainstay of University management on Maunakea, and it is built into its management framework. This includes outreach through advisory groups like KKM³ and the MKMB⁴ as well as local schools, community groups, businesses, native Hawaiian faculty, lineal descendants, and those who identify as kia’i. The recent adoption of HAR chapter 20-26 and the on-going work finalizing the new master plan include significant efforts by the University to capture community input, resulting in thousands of comments and dozens of meetings with interested groups. All substantive comments were considered, which the University has documented in its rulemaking process and the new master plan Volume II.
- iii. There has always been an education component for the public and community outreach conducted by the University and directly by the Maunakea observatories. The University’s recent reorganization furthers this work by designating the ‘Imiloa Astronomy Center for orientation programs and educational partnerships by BOR resolution and executive policy.

The Independent Evaluation ***did not conclude that UH has “mismanaged” Maunakea***, a term often used against the University. Here is how the Independent Evaluation discusses “mismanagement”, only once and quoted in full:

“The public’s assessment of how effectively UH has implemented the CMP has primarily varied depending on whether they are in favor or opposition of

² For example the State Historic Preservation Division, Division of Conservation and Resources Enforcement, Division of Forestry and Wildlife, Office of Conservation and Coastal Lands, etc.

³ Comprised of individuals knowledgeable about native Hawaiian cultural practices who advise the MKMB.

⁴ Composed of members representing the major stakeholders of Maunakea; primary role is to advise the Office of the Chancellor at the University of Hawai’i at Hilo on management of the Mauna Kea Science Reserve.

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*telescope development on Mauna Kea. Those who support existing and future telescope development on Mauna Kea believe that OMKM has adequately implemented the CMP MAs to preserve and protect the cultural and natural resources on Mauna Kea. **For those who do not support continued telescope development on Mauna Kea beyond 2033, the expiration of the existing state lease, they believe that UH continues to mismanage Mauna Kea as concluded in the 1998 State Auditor's Report.** In particular, those in opposition believe that UH continues to advocate telescope development over the protection and preservation of the resources.*

With respect to the broader public comments on the effectiveness of the UH governance structure, most see UH as one entity. They either believe that the UH existing structure is doing a good job, or they believe that UH is mismanaging Mauna Kea and there is very little in between.

(Emphasis added.)

It should be noted that the University's newly issued draft Master Plan establishes a limit of nine telescopes post 2033. It also restricts future development to existing observatory sites. The University committed to these limits despite considerable differences with astronomy advocates.

C. The University and its advisory groups take constructive criticism seriously.

At the direction of the BOR, in April 2020, the University completed an analysis of alternative governance models that included models in which the University did not serve as primary manager. The analysis evaluated the benefits and challenges of establishing the various forms of new entities identified (see [BOR Presentation \[4.16.20\]](#)). In the University's analysis of governance models, the University concluded that three (3) years is not sufficient time to transfer legal rights under existing agreements, staff, resources, programs, plans, policies, and other elements of the University management program and apparatus to a new, yet-to-be-formed entity. Given the need for bicameral legislative support and based on past legislative efforts, they University determined it would take several years for the enabling legislation to be passed to form the new entity. This short timeline also does not account for the approvals required for a new master plan, management plan, permits, administrative rules, general lease, and observatory subleases, and for developing a viable business plan that ensures the new entity's sustainability.

As a result, the University has focused its attention on the governance alternative within its control and broadened community representation within its existing advisory groups. In 2021, the EC increased its membership, bringing different expertise and perspectives to its committee. KKM updated its purpose statement and is actively recruiting new members to reflect their renewed vision. The voices on the EC and KKM are diverse and include members who share some of the views of Hawai'i Island *kia'i*.

At their December 7, 2021 public meeting, the MKMB passed a motion recommending that the University administration restructure MKMB along the lines of what was identified as Model 4A, Collaborative Management with UH, in the University's analysis of governance models. Model 4A expands the current MKMB from seven to nine members; designates ex-officio seats on the MKMB for DLNR, DHHL, OHA, and the

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County of Hawai'i; and redistributes representation of the remaining seats to include various stakeholder interests.

In many ways, the MKWG's recommended structure parallels what the University is in the process of implementing except that the University and astronomy are represented.

D. Tangible demonstration of the University's commitment to stewardship

Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

The fruits of the University's efforts to improve its stewardship have been recognized by the community. In 2017 UH received the Pualu Award from the Kona-Kohala Chamber of Commerce for its education and outreach. In 2017 UH received a Preservation Commendation Award from the Historic Hawai'i Foundation for its interpretative efforts. And in 2016 UH received the Pualu Award for Environmental Awareness from the Kona-Kohala Chamber of Commerce. Finally, and perhaps most notably, in 2011 the Wekiu Bug was removed from endangered species candidate list because of the University's ecosystem restoration efforts.

In closing, the University should be judged by our complete record which shows substantial improvement over time across multiple dimensions. Our commitment has been reliably demonstrated in time, effort, and resources committed by us over the years in the exercise of our stewardship responsibilities for the privilege of access we have. And as a result, as reported by many in the Independent Evaluation **"...the cultural and natural resources on the state conservation lands on Mauna Kea are some of the best managed and protected lands in the entire State"** and we have a world class research enterprise Hawai'i can be proud of.

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From: cookshi@aol.com
To: [Mauna Kea Working Group](#)
Subject: Comments opposing State House of Representatives draft Working Group Plan
Date: Tuesday, January 4, 2022 4:25:49 PM
Attachments: [State House of Representatives - Work Group Comments 1-4-22 FINAL.pdf](#)

The Hawai'i State House of Representatives Maunakea Working Group draft plan very successfully further harms our children, families and entire community.

Comments attached.

***Patti Cook (808) 937-2833
Waimea, Island of Hawai'i***

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PATTI COOK

P.O. Box 6960, Kamuela, HI 96743
808-937-2833 – cookshi@aol.com

January 4, 2022

Aloha:

I have read the draft report by the Maunakea Working Group. I have also read many (not all) of the documents prepared throughout the past 15+ years related to astronomy on Maunakea, management of the mauna, and TMT's permitting process. I have attended numerous public meetings, too. I also actively participate in public policy issues related to the economic, educational, social and cultural disparities our island children and families contend with.

It would be naïve to suggest that there are not issues related to the mauna. Likewise, it would be naïve to ignore the pain and grievances of our native Hawaiian community. But this draft plan only exacerbates these issues, it will not heal nor remedy the issues.

While not perfect (nothing is), I do believe that in the past 10-12 years, management including cultural and environmental stewardship of the Maunakea has dramatically improved. Serious effort has occurred to better engage and involve the entire community in shared use decisions. Also, the permitting process for TMT significantly stepped up requirements, expectations and conditions – far surpassing what has been imposed on the telescopes that received earlier permits.

The astronomy organizations currently operating on the Maunakea are there because (1) we invited them and (2) they underwent an extensive rule of law permitting process. Further, they have in recent years demonstrated a stepped up understanding of the privilege and responsibilities they hold.

I also believe I have a pretty deep understanding of the issues our community, especially those of Hawaiian ancestry, face, from long-standing legitimate grievances that include being persistently marginalized in many ways which leave them struggling with serious trauma and poverty, as well as a sense of hopelessness in part due to inadequate healthcare, education, housing and choices.

This anger, fear, and sense of hopelessness must be addressed. But the Working Group draft plan does not address these concerns and in fact, only serves to further divide our community.

Stepping back a moment, I must add that as a Hawai'i Island resident, I am abundantly aware of the shortcomings of DLNR when it comes to appropriate stewardship of the lands already under their jurisdiction. The notion that they could take on responsibility for one more square inch of land is disturbing.

I am stunned – and saddened – that a plan would be given any standing that does not envision “shared use” of the mauna. I am likewise very concerned that the plan would completely lock out the astronomy community in future decision making.

I want our children to “run” the mauna and I believe they have the capacity to do this with the right supports. Further, we need astronomy both for the contribution it makes to mankind and because it can be a viable, clean economic, social, cultural, and environmental activity.

This plan negates all of this. Further, the working group was only sanctioned by one legislative house. It actually has – or should have - no standing. It only worsens the divide.

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Please do not pursue this further. There is a legally sanctioned process in place to step up management of the mauna. There concurrently needs to be a stepped up commitment by our public policy makers to address the issues faced by DLNR, DHHL, DOE and the University of Hawai'i to fulfill their kuleana in ways that address the economic, environmental, social and cultural disparities that exist for many in our community, especially those of Hawaiian ancestry.

Thank you.

Patti Cook

Waimea, Island of Hawai'i

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From: [Thayne Currie](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on draft Mauna Kea Working Group Report
Date: Tuesday, January 4, 2022 12:59:29 PM

[this is an updated submission]

The attached document details my comments on the draft Report. While the report has some good ideas, there are many highly problematic and inappropriate components.

I believe that the proposed structure needs to be substantially revised before it could be considered a credible alternative to the current management structure.

I would be happy to discuss any of these points with any of the members of the Committee.

Best wishes,

Thayne Currie

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1. The Working Group blatantly contradicts its own mandate by not giving the astronomy community seats on the board. Astronomy must not simply be represented but well represented on any board.

Astronomy on Maunakea is immensely valuable to the state. Collectively, it one of the largest employers on the Big Island, responsible for well over 150 million dollars in spending per year. Maunakea is the best observatory site in the northern hemisphere, possibly the best accessible site in the world. It has put Hawai'i at the forefront of advancing humanity's knowledge about our place in the universe: the 2011 and 2020 Nobel Prizes in Physics drew in part from Maunakea astronomy. Maintenance of the road to the summit and thus access to cultural sites by car is supported by astronomy.

Astronomy is critically affected by the decisions of any management entity on Maunakea. For instance, today the 2000 Master Plan and 2009 Comprehensive Management Plan guide decisions on the location and type of observatories, requirements for the maintenance of observatories, commissioning and decommissioning of observatories, etc.

The purpose of the working group was to recommend a new management structure that "collaboratively engages with all stakeholders". Astronomy represents a blindingly obvious stakeholder. It is inappropriate for astronomy – either directly or through UH -- to not have strong, well represented voices (emph. on the plural) in management of Maunakea. Period.

2. As written, the MK Working Group Report is reckless, as it puts astronomy in Hawai'i at serious risk.

The current master lease for astronomy on Maunakea expires in 2033. UH is in the process of seeking lease renewal beyond 2033 and this must be done soon. It is unclear how the state can put in place a new management structure in place of UH which will then turn around and timely re-authorize astronomy after 2033.

As an example, consider Act 90, which legislative members of the Working Group themselves are well familiar with. Act 90 was passed in 2003 and directed the transfer of state-owned agricultural land from DNLR to the Hawaii Department of Agriculture. But nineteen years after it was originally passed, the land

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transfer is still not finished. The report and past similar actions give no assurance at all that astronomy's future will be prioritized by this new management structure.

The only possible way I could support a wholly new management structure at this point is if the legislature automatically extends the current lease(s) for observatories for at least another ~30 years past 2033 (~2063). Otherwise, a new structure should be considered a no-go at this time.

Furthermore, careful reading identifies a change that could be weaponized to remove astronomy entirely. Specifically, the Report literally suggests that Maunakea be subject to HRS 183, Forest Reserves, Water Development and Zoning. Previously, Maunakea has been subject to HRS 183C (Conservation District).

This is absurd. The summit of Maunakea lacks any trees and has little vegetation. Besides Lake Waiau, there is no major surface water source. It is classified as having a high alpine desert climate.

What this change would do is sharply restrict any development since "forest reserve" rules are far more restrictive than conservation district, resource subzone. This reclassification should be seen for what it is: the potential for a way to drive astronomy entirely off Maunakea.

3. The Report inappropriately expands jurisdiction.

The Report expands jurisdiction – by a factor of 10 in area -- to include the whole mountain from the 6,500 ft elevation at the Saddle Road Junction to the summit. The zoning for some of the parcels covered can wildly differ: e.g. 'conservation district, restricted subzone' or as agricultural lands near the Mauna Kea Access Road. Currently, other entities – Dept of Hawaiian Homelands, DLNR – own these lands.

This expansion makes no logical sense as a solution to problems supposedly restricted just to the upper 11,000 acres of Maunakea. The new management structure would monitor land use over a vastly large scale with different previous managers and with wildly varying zoning designations than before. Thus, this expansion makes proper management of Maunakea vastly more challenging than before. It is a disaster in the making.

4. UH should retain at least co-management of Maunakea

Finally, the entire premise of a new management structure is flawed. The working group's creation was supposedly driven by the Ku'iwalu Report on UH's management of the upper 11,000 acres of Maunakea. In no uncertain terms, the Ku'iwalu Report lauds UH's management of natural resources on Maunakea, stating that Maunakea is "some of the best managed land in the entire state". Thus, there is no justification for removing a good manager of state lands.

The Ku'walu Report's main criticism of UH was its lack of community outreach and engagement with the Hawaiian community. That is a fair criticism. It can be addressed by giving representatives of Hawaiian community organizations and cultural practitioners shared decision making power in a modified version of the current management structure. Addressing this issue does not necessitate an entirely new structure, certainly not one that cuts UH out entirely and puts astronomy itself at risk.

5. Factual inaccuracies - There are many other small factual criticisms/points of confusion which would take too long to recount. I list two of them below.

[a false claim] A) a footnote suggests that even with nine observatories after 2033, astronomy's impact (including TMT) would still be greater. This is simply declared to be true instead of justified in any quantitative (or even qualitative) way. In fact, on key metrics -- waste that goes into the ground, impact on viewplanes/visual obstruction, etc. -- it is most certainly false as TMT is benign on this point while decommissioning other telescopes lessens impacts. Depending on which current observatories are removed in exchange for TMT, it is also likely likely false in terms of land area usage.

[a point of confusion] B) The report suggests that control of the summit return to a future Hawaiian nation, should one be formed. The claim insinuates that the Maunakea summit itself was specifically

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owned by or had a special connection to Hawaiian groups (instead of the general public) prior to the overthrow in 1893 vs. other land in Hawai'i. However, the Maunakea summit itself prior to the overthrow resided within the Kaohe ahupua'a, which was deemed "Government Lands", not "Crown Lands", from the Great Mahele onward (see Van Dyke/"Who Owns the Crown Lands?" 2008; Maly/"Ka Piko Kaulana O Ka Aina"). It is "Crown Lands" which scholars such as Jon Van Dyke single out as particularly well reserved for a future Hawaiian nation. "Government Lands" were different, "utilized as general Public Lands to support the Government and the *general* population". A full record of the "Indices" likewise shows that ownership of the summit remained with whichever government was in charge, no different than other plots of land in Hawai'i. The only traditional leases on record held at lower elevations (e.g. Francis Spencer) or only partially overlapped with the summit (Samuel Parker).

I suppose a future Hawaiian Nation could include more land besides former "Crown Lands", including the entirety of the state of Hawaii. I support sovereignty in general and have objection to this future. But there is nothing historically about the Maunakea summit itself that makes it fundamentally different this way.

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APPENDIX D

From: [Don Davis](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea Working Group draft report
Date: Tuesday, January 4, 2022 11:50:33 AM

The Mauna Kea Working Group draft report fails to frame the issues in fact based manner with due relevance to the wider interests of the people of the state. The unique value of Mauna Kea warrants attention not so much in a religious context as in a physical one. It frankly looks like there was insufficient input from Astronomers in the report, and Astronomy activities were portrayed in an overall negative context. The report is framed in a largely religious context, baffling in a document concerned with public policy. Emphasis on religion, no matter how many or few believers there may be for any one belief system, in government is frankly inappropriate. Loading the report with belief driven 'edicts' is similar to adding numerous Biblical quotes to such a document for a State Legislature with an implication they should influence the process. The report's use of Native Hawaiian religious edicts appears well intentioned, and could be seen as 'reaching out'. However, belief driven agendas have been repeatedly demonstrated as not reliable partners with innovation and Democratic governance. Those who seek to drive Astronomy off the mountain starting with the TMT have repeatedly demonstrated that zeal in the name of religion will shout out the facts every chance it gets, so better to keep it out of public policy discourse. I prefer a secular and rational policy coupled with the legal process guided by related rulings as the 'Guiding Principal'. Faith is beyond the reach of Science but alas. history shows us, Science can be held back by misapplied religion.

I would frankly ideally re write that report with better balance in represented interests. I would also discard the report's desire to create a new management entity in this time when ongoing processes should continue with minimal disruption. The University of Hawaii has the expertise, is adaptable, and works to renew the master lease which a major disruption in expertise and organization could endanger. Based on the minimal presence of Astronomy among the working group members and report I would be concerned that there is a potential bias implied therein against Astronomy as a priority on the mountain. Observatories are among the most benign structures one can place in isolated locations. The telescopes can be argued to be an environmental quality assurance by their very existence. The presence of the telescopes becomes an incentive to maintain the natural conditions surrounding regions, they serve as a kind of 'environmental guardian' that thrives in deliberately undeveloped dark sky surroundings.

Religion in its many permutations has no legitimate place in guiding American public policy. Resources that benefit people do. Mauna Kea is a significant resource, not for what can be mined or pumped from there, but for its natural situation which brings the best observing conditions in the world. Astronomy is integral to Hawaii because of the good fortune of nature providing these conditions there. Related public policy should be inclusive of the State population and in the interests of as many of the residents as possible. Something as large as Mauna Kea has ample room for those who seek to be there for their own reasons.

As a unique resource Mauna Kea's Astronomy presence benefits the state in attracting educational and technological opportunities to make use of such uniqueness. Hawaii's role as a primary 'cosmic watchtower' for the world gives it a special place among the network of observing locations benefitting the world. This includes allowing early detection of objects that occasionally hit Earth which other locations could miss, as happened on June 22, 2019. Astronomers should be among the primary interests represented in any policy decisions regarding Mauna Kea. The renewal of the related lease in 2033 must be assured, and I worry there is insufficient attention to this in the report.

Astronomy on Mauna Kea was initiated by the renowned Native Hawaiian Astronomer Alikea Herring. His quest for perfect seeing was rewarded atop Mauna Kea in 1964 as he scouted out a site for a telescope for Planetary scientist Gerard Kuiper. Mauna Kea has since been a showcase of telescope technology. While older telescopes are being removed, building the new telescope there using our advancing abilities to see into the Cosmos is a worthy project that will benefit the State, the Nation and the World. Nations like India, China and Japan as well as the US are part of this project, some of whose relations are not always the most harmonious. Something like the TMT helps bring a sense of internationally common interests, which the world can certainly use more of. Hawaii's place as a 'cross roads of the world' benefits from its prominence in world class Astronomy as other great nations work with us sharing the resource of the observing conditions atop Mauna Kea.

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All peoples of the world deserve a chance to advance in opportunity and help enrich the planet's knowledge base. There are people with wide ranges of outlooks on Astronomy in Hawaii and the Thirty Meter Telescope. The many who are for both deserve to be represented, as polls of Hawaii voters have shown overall approval of TMT. Astronomy supporters in Hawaii don't march, shout and resort to unethical tactics but their presence and engagement with the political system should be valued as a positive influence. To assign undue importance to the anti TMT faction, whose rationale is often framed in religious and ideological context, is to ignore other people who support the Telescope and who want to be a part of the future of Hawaiian Astronomy. A Native Hawaiian began Astronomy on Mauna Kea, and others of today's generation will be among those carrying the torch extending our observational and conceptual reach ever further. They also deserve their chance to help define the future of the beautiful State of Hawaii.

Don Davis

APPENDIX D

From: [David Dow](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Management
Date: Tuesday, January 4, 2022 12:14:14 PM

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.
2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.
3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.
4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

-David Dow

APPENDIX D

From: [Bob Douglas](#)
To: [Mauna Kea Working Group](#)
Subject: Comments - The Mauna Kea Working Group's draft report
Date: Tuesday, January 4, 2022 11:18:22 AM

Aloha and mahalo for the opportunity to comment.

General comment. Missing the document revision and date within the document itself.

Page 16. Shouldn't the members of the working group that work for an observatory or observatory support function be identified? They might be Native Hawaiian but could be biased or influenced due to conflicts of interest and or financial ties to astronomy industry.

Page 22. Disagree that 7 of 9 members be appointed by the Governor. Disagree that the requirement is for setting a minimum of 4 non-ex-officio Native Hawaiians board members. It should be 7 based upon the fact that the lands are held in trust for the Hawaiians. OHA should decide all 7 board seats.

The way the board selection is architected heavily favors the government over the Native Hawaiians. Effectively muting the Hawaiian voice.

Regardless relying on a single individual, the governor to make choices could lead to autocratic control of the board. Case in point, this is exactly how Trump usurped the will of the people and its representatives.

Under State law do non-ex-officio board members have full voting privileges?

No one employed by an observatory or observatory support organization, tour company should sit on the board. They can be invited to meetings on a consultation basis only subject to a quorum approval.

Page 25. Reference financial accountability. The board must have full access to the UH financial reports vis-a-vis observatory income from all sources, grants, leases, in-kind, donations, etc. The same access must be provided by the observatories in order that a full audit of income is transparent and public.

Page 26. "Due to Mauna a Wakea's significance, the Working Group took a comprehensive approach in determining the existing uses of Mauna a Wakea, including Native Hawaiian practices, astronomical and other scientific research, tourism, resource gathering, conservation, and recreation. The Working Group determined that prioritizing these uses and better managing access to Mauna a Wakea would assist the Governing Entity in meeting its responsibilities and management priorities."

Document does not define the board's power over any new construction. Whether it can demand engineering design reviews, alternative considerations and negotiations. Native Hawaiians should have input.

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In regards to commercial activities.

“The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use".

Does mean that tours and taxi service will no longer be allowed above Hale Pohaku? If they are allowed, the tour operators should have to rebid with 2 years with preference given to Native Hawaiian owned tour businesses. In addition every tour guide must pass a certification program developed by the University of Hawaii. In addition they must attend a yearly State Ranger led safety and cultural seminar.

“The Governing Entity shall ensure that, as a condition of any lease, an observatory shall plan for and finance its decommissioning process on Mauna a Wakea and return and restore the impacted areas, to the greatest extent possible, to their pre- construction condition.”

How will the financial assessment be made? Suggest enlisting 2 commercial demolition engineering firms. If the observatories are to be used past the lease expiration the assuming entity must plan for and fund the increased costs of postponing the demolition.

“To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding. “

Add specific language for tour and taxi operator fees.

Page 27.

“the Governing Entity shall determine an appropriate site for an entryway to Mauna a Wakea.”

Missing strong wording to the effect that the access rights of Native Hawaiians will not be infringed. Exception being for bonafide emergency weather or road conditions. This also implies that Native Hawaiians will not be charged a toll and that a gated access be available 24/7/365 without having to apply for a permit or access device such as a proximity card or token.

Aloha,

Bob Douglas
danhieux18@icloud.com
Instagram.com/danhieux
808 333-0402

APPENDIX D

From: [Dee](#)
To: [Mauna Kea Working Group](#)
Subject: UH's Management of Mauna Kea
Date: Tuesday, January 4, 2022 11:19:44 AM

Aloha,

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

Sincerely,

Dee Edmunds

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From: [Page Else](#)
To: [Mauna Kea Working Group](#)
Subject: oppose new adm
Date: Tuesday, January 4, 2022 12:52:42 PM

I believe the idea of creating a new administrative group to oversee Mauna Kea is a poor idea, and is bound to be inefficient and needlessly expensive, and may fail altogether. I hope that is not what you really want, because astronomy plays an important role in the sustainability of Hawaii Island's economy and perpetuation of Native Hawaiian's role as leaders in star navigation and finding new paths forward.

Please do not forget that the operations on Mauna Kea, including road condition, safety management, ranger oversight, ensuring cultural access and protection, recreational management, telescope and supply deliveries in a complex and physically demanding environment must be managed in a businesslike efficient manner.

Why would you take away this operation from an entity that has done this for years, learned from successes and mistakes, and already operates with many opportunities for public input. Complaints about this management are generally focused only on the cultural aspects, not the many other roles which are also vitally important.

Fix what you have, don't start from scratch with a new management structure with no experience.

APPENDIX D

From: [Rory Enright](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the MKWG draft report
Date: Tuesday, January 4, 2022 11:54:54 AM

I strongly support the building of the TMT facility on Mauna Kea. I respect the work conducted by the Mauna Kea Working Group but have to disagree with some of their conclusions. The University of Hawaii should continue to manage the site with oversight. I believe the astronomy industry should be integral to that management. I do not support managing the facility under HRS 183 and 205A.

I cannot think of any better way to honor the ancient Polynesians than continuing to make Mauna Kea the foremost astronomical site in the world.

Regards,

photo



Rory Enright

(808) 635-0102 | rrenright@gmail.com |
4100 Queen Emma's #6, Princeville, HI 96722-5555

APPENDIX D

From: [E. Flores](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group Draft Plan Comments
Date: Tuesday, January 4, 2022 4:12:19 PM
Attachments: [Mauna Kea Working Group Draft Plan FCO Comments.pdf](#)

January 4, 2022

FR: E. Kalani Flores, Flores-Case 'Ohana (08ef80@gmail.com)

RE: Mauna Kea Working Group Draft Plan

ATTACHMENT: SEE COMMENTS

APPENDIX D



Mauna a Wākea - ka piko kapu.

January 4, 2022

FR: E. Kalani Flores, Flores-Case ‘Ohana (08ef80@gmail.com)

RE: Mauna Kea Working Group Draft Plan

COMMENTS

The following comments are presented in regards to specific parts of the Mauna Kea Working Group Draft Plan. Other parts of this plan that aren’t commented upon does not constitute an endorsement or agreement with these sections. We reserve the right to further comment on this plan in the future. These comments are submitted on behalf of the Flores-Case ‘Ohana.

CHAPTERS 1-2, 4

[Insufficient time to make any comments on these chapters.]

CHAPTER 3

VALUES AND GUIDING PRINCIPLES

We concur with this section.

JURISDICTION

A listing and description of lands proposed for the jurisdiction area needs to be clearly identified and delineated on a map. In addition, existing land owners/lessees/managers need to be identified with these associated lands.

The term “state-owned lands” should be changed to “**state-managed lands**” as these lands are still considered Government Lands or Crown Lands as the result of the Mahele Act of 1848. Even if one would (incorrectly) assert that the state acquired these lands through the Admission Act of 1959, these lands were conveyed in the form of a **public trust**. In other words, whichever way one perceives it, these are NOT state-owned lands, but instead **state-managed lands**.

ORGANIZATIONAL STRUCTURE

A significant problem with the proposed organizational structure is that the governor is ultimately determining the final make-up of the Governing Entity. The existing major problem in Hawai‘i are politically-appointed boards without any accountability to the public. This would be another ongoing example as such. Instead, the final make-up of this entity should be done in another fashion that removes political connections and affiliations with this process. The following options should be considered:

1) the non-ex-officio members of this entity to be elected by members of the public; and/or

2) the non-ex-officio members of this entity to be selected by other organizations in addition to the governor; and/or

For example:

Three Native Hawaiian Cultural Practitioners selected by the Office of Hawaiian Affairs. (They aren’t nominated and they aren’t appointed by the governor. OHA selects them through a selection process to be determined by OHA.)

3) some non-ex-officio members of this entity to be elected by members of the public and others to be appointed/selected.

The following board make-up is being proposed in which the selection process includes a broad-based and equitable spectrum:

(1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee (ex-officio member);

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- (2) The Chief Executive Officer of the Office of Hawaiian Affairs, or the Chief Executive Officer's designee (ex-officio member);
- (3) A current resident of Hawai'i Island with 'āina resource management expertise and a track record of Hawai'i Island-based management, selected by the Royal Order of Kamehameha I;
- (4) A current resident of Hawai'i Island with infrastructure and land management experience and a track record of Hawai'i Island-based management, nominated by the nominating committee, appointed by the governor;
- (5) An individual with Hawaiian Studies/Language educational expertise in P-12 public education; community, culture, and Hawaiian language medium-based education; or post-secondary education, selected by the Moku o Keawe (Hawai'i Council) of the Association of Hawaiian Civic Clubs;
- (6) An individual with business and finance experience, nominated by the nominating committee, appointed by the governor;
- (7) Two Native Hawaiian Cultural Practitioners selected by the Office of Hawaiian Affairs; and
- (8) One Native Hawaiian Cultural Practitioner selected by the Royal Order of Kamehameha I.

The make-up of the nominating committee should also be reconsidered to include more broad-based community representation.

POWERS AND DUTIES

The term “state-owned lands” should be changed to “**state-managed lands**” as previously noted.

ACCESS AND USE PRIORITIES

The following statement should be revised as such noted below;

The Governing Entity shall also limit and/or prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use".

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[Reasoning: The MKWG shouldn’t be making certain specific guidelines which should be left to the Governing Entity. Also, shouldn’t prohibit something when it hasn’t even been defined what you’re prohibiting such as “commercial use.”]

Additionally, the Governing Entity may ~~shall~~ require an application for ~~all~~ recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time.

[Reasoning: The MKWG shouldn’t be making certain specific guidelines which should be left to the Governing Entity. An application and/or fees might not be applicable to all recreational users such as those who are Hawai‘i residents vs. visitors.]

To further reinforce the management principles for Mauna a Wākea, the Governing Entity may ~~shall~~ require ~~all~~ people accessing Maunakea to undergo an ~~annual~~ orientation anchored by the Kumu Kānāwai and require all employees, contractors, leaseholders, and others who regularly access Mauna a Wākea to have more extensive and frequent training on the Kumu Kānāwai.

[Reasoning: The MKWG shouldn’t be making certain specific guidelines which should be left to the Governing Entity. As cultural practitioners connected to Mauna a Wākea, we oppose annual orientations, but might be more open to just an initial orientation.]

FUNDS AND FINANCIAL SUPPORT

Supplemental revenue sources should also include commercial use fees and visitor center revenues.

APPENDIX D

From: [John R. Frank](#)
To: [Mauna Kea Working Group](#)
Subject: Comment on the Mauna Kea Working Group telescopes draft report
Date: Tuesday, January 4, 2022 6:24:02 AM

Dear Mauna Kea Working Group,

As a newcomer to the Big Island and to the State of Hawaii, I want to comment on your [draft report from the Mauna Kea Working Group](#). While I agree with the environmental principles of the recommendations, it also implies removing the telescopes by establishing a new Governing Entity that would “plan to return the mauna above 9,200 feet elevation to its natural state.”

I love the telescopes on Mauna Kea. My young family was attracted to move to Hawaii because of its intellectual and cultural diversity, which is a direct result of the telescopes. The telescopes have attracted a vibrant intellectual community of astronomers and engineers, and also help to educate Hawaii students in astronomy and science. I hope that my own daughters will become homegrown astronomers and physicists from Hawaii. The astronomy community combines with the paniolo community and the openness of Hawaiian traditions to make a very unique environment for families on the Big Island.

The go-forward plan for Mauna Kea should boost diversity and expand participation. I worry that the proposed new “Governing Entity” would be unbalanced in favor of a single polarized viewpoint. I hope you will ensure a **balanced approach** to managing such an important community resource. Balance is especially important as the global population continues to grow from less than 1 billion in 1800 to 1.65 billion in 1900 to more than 7 billion today.

As an ardent environmentalist, I also believe that we must care for the mountain’s ecosystems. Restoring biodiversity should be a catalyst for bringing people together in-person to collaborate and work together. A new plan should **harness the energy of all participants, including the astronomy community and its funding, to restore and protect biodiversity in the area.**

Please consider a new approach that balances (1) keeping great telescopes on the mountain and continuing to attract more scientists and engineers to Hawaii, (2) celebrating Hawaiian wayfaring, traditions, and cultural values, (3) actively restoring ecosystems and biodiversity in the area, and (4) planning for the next 100 years of shared success by increasing cultural and intellectual diversity in Hawaii.

Regards,
John

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<https://www.mit.edu/~jrf/>

APPENDIX D

From: [Keene Fujinaka](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the Mauna Kea Working Group
Date: Tuesday, January 4, 2022 4:07:16 PM

Aloha and thank you for your time,

As a lifelong resident of this State, a graduate of the University of Hawaii system, and a parent of two children whom I would love to see have opportunities to thrive here, I am in support of the UH Hilo Center for Maunakea Stewardship maintaining its management structure and responsibilities.

We have recently seen and heard about issues and concerns from various parties. The group in place listened and made changes, while communicating with anyone who was interested in learning. It's engagement with the community and inclusivity and openness when discussing various viewpoints has been refreshing.

Astronomy on Maunakea is a clean and high tech program. I am not a scientist, but I can see that the work done there provides educational opportunities for students across the island, employs over 1,000 people here who contribute to the island's community and economy, and gives people like me a sense of comfort to know that we have a viable economic contributor and job creator that is not reliant on tourism, construction or the military.

I believe there is a place for progress and development while improving accountability and responsible decision making. I also believe that the group in place is best prepared to continue to improve management of this very important area while being transparent and accountable to the views, voices and desires of all.

Please consider my thoughts in support of our existing and successful management structure and stewardship by the UH Hilo Center for Maunakea Stewardship.

Aloha,

Keene Fujinaka
Hilo, Hawaii

APPENDIX D

From: [Charles O. Grigsby](#)
To: [Mauna Kea Working Group](#)
Cc: [Rep. David A. Tarnas](#); [Lori Hasegawa](#)
Subject: Comments on the MKWG Draft Report
Date: Tuesday, January 4, 2022 12:21:10 PM

Greetings,

Attached are my comments on the MKWG Draft Report.

During preparation of these comments, I have had to stop work on the comments due to a sudden medical situation involving my wife that required a prompt trip to Kailua-Kona for x-rays. This version of my comments has a number of flaws and redundancies that would have been caught and corrected with the time taken by the medical situation. I am submitting this version of my comments even though incomplete and with known flaws to ensure that my comments make it into the public record within the comment period. Upon completion of these comments, I will provide an updated copy to Rep. Nakashima and Rep. Tarnas.

Thank you for your consideration of my comments.

Chuck

Charles O. Grigsby, PhD
68-3549 Awamoa Place
Waikoloa, HI 96738
(808) 238-0468 (H)
(808) 345-4562 (M)

APPENDIX D

From: [olivier guyon](#)
To: [Mauna Kea Working Group](#)
Subject: comments on MKWG report
Date: Tuesday, January 4, 2022 4:27:16 PM

Dear all,

Thank you for providing us the opportunity to comment on the draft report.

As an astronomer, long time Hilo resident, and supporter of the TMT project, I am hopeful and optimistic our community can find a way to continue astronomical research in ways that protect Mauna Kea's environment and respect its culture. I am particularly eager to see scientific activities further benefit the local community and inspire young individuals.

I welcome every effort to do so, so I did read the draft report with much interest.

I however concerned with some of the propositions in the current draft, and I fail to understand how its implementation would bring us closer to a long-term harmonious co-existence of astronomy, native hawaiian culture, and environment protection.

I am surprised and concerned that the WG governing entity would not have representation from the astronomy community. How can we find a way forward without engaging all key stakeholders ?

The report calls for significant changes in the management of Mauna Kea, providing the governing entity with wide power to reclassify Mauna Kea lands. I am concerned this will be disruptive, and I fail to understand why such authority should be taken away from existing agencies. The report is very vague in what this would achieve.

Sincerely,

Olivier

APPENDIX D

From: [Anna Hassid](#)
To: [Mauna Kea Working Group](#)
Cc: [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: Comment on Maunakea Working Group Draft Repot
Date: Tuesday, January 4, 2022 4:35:53 PM

I think astronomy is vital for Hawaii today and in the future. Astronomy can keep Hawaii in the forefront of scientific discovery and knowledge. It also provide jobs for people on the island and educational grants for our students.

I believe under the current UH governance of Maunakea, religious practices and cultural sites have been respected. Certain telescopes will be decommissioned, and TMT would be built below the summit and away from culturally sensitive areas. TMT has already given \$2.5 million for STEM grants and scholarships for all of Hawaii students (including Native Hawaiians) and has committed to giving \$1 million annually to this program. What other industry does that for Hawaii?

Best regards -

Anna Hassid

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From: [Michael Hoenig](#)
To: [Mauna Kea Working Group](#)
Subject: my comments on the MK working group
Date: Tuesday, January 4, 2022 10:11:45 AM

Aloha and Happy New Year,

I would like to thank the Maunakea working group for continuing the dialogue on how to manage the mountain. I recently read their draft report. I realize it isn't possible to please everyone and given the makeup of the working group, a lot of compromises were no doubt required. I was saddened to read, however, of the proposed removal of UH from any future Maunakea management. While UH's management of the mauna has been debated ad nauseam, I think they did a reasonable job of something that is inherently difficult and complex - and I think I have spent enough days (and nights) on Maunakea to be able to state this with some authority. Not giving UH any future say at all would be a big loss, given they are the primary educational institution in our state. Astronomy on MK (including the TMT) would always have a connection with UH. So would biology (think Wekiu bug) or conservation...

Is UH's proposed exclusion from any future management of MK supposed to be a "punishment" or retribution for perceived past wrongs? It seems some folks definitely are gunning for them, which makes me sad, given I think they always acted in good faith.

Either way, the creation of a new governing entity will merely serve to delay the construction of TMT, as well as the renewal of the lease that expires in 2033. This may be some peoples' objective, but it should not be the State of Hawaii's. I therefore am of the opinion that this new governance proposal needs to be abandoned in favor of continuing the current management, under UH's proposed new, improved, plan.

Mahalo for your time,
Michael Hoenig

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From: [Hokulani Holt](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group recommendations
Date: Tuesday, January 4, 2022 3:36:16 PM

After reviewing the draft report there are a couple of recommendations for the new governance and management structure that I would like to make at this time.

- Consideration should be given to Hawai'i Island homesteaders since they have committed to making Hawai'i Island their home and that commitment into the future. The impacts on Maunakea and its surrounding areas above and below ground directly affect them and their future generations. Thus designed seats on the Governing Board should have a place for them.
- The Governing Board should also have designated seats for cultural practitioners. Without those who are steeped in Hawaiian culture, the Governing Board will not be able to appropriately address the needs of Hawaiians in general. This seat would help to address the needs of Hawaiians throughout the archipelago and beyond and will take into account the past, the present and future Hawaiian cultural needs.
- All State leases should be limited to 15 years. This would allow for ongoing and rigorous evaluation of the lessee and whether they are appropriately adhering to the letter and intent of the lease. It would also provide the public with appropriate information and opportunity to address concerns.

Mahalo,

Dr. Hōkūani Holt
Kumu Hula, Pā'ū O Hi'iaka
President, Kauahea Inc.
Member, Lālākea Foundation

APPENDIX D

From: [eric.honda](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group Report - Request for Comment
Date: Tuesday, January 4, 2022 4:18:13 PM

I have been a resident of Hawaii Island for the past 20+ years and a Hawaii resident all my life. I have heard differing opinions on this topic and feel that our island needs Astronomy to continue for the greater good of our community.

I would love for my daughter to grow up on an island where astronomy will continue to be taught in the schools and provided in our community (Astronomy Day events) by dedicated scientists that work at these facilities. These types of events that are supported by the Astronomy community is needed to enhance our keiki's knowledge that public schools are just not able to provide. Living in a remote community, kids lack the exposure to so many opportunities other children have, these educational opportunities will be taken away if we are not able to save Astronomy on Mauna Kea.

It makes no sense to recreate the wheel. We need to support UH Hilo Center for Mauna Kea Stewardship who has been doing a good job and will help us move forward. We cannot afford to be stalled in this situation any longer. We need to act now and who better to assist then those who have unselfishly spent years to become knowledgeable about the mountain and all its intricacies. We need to ensure that we do not further restrict use of the land which should be available to the general public. I feel UH has the experience to continue to ensure that the mountain is managed properly and in the best interest for all.

Thank you for your time.

Amy Honda

APPENDIX D

From: jacquihoover@gmail.com
To: [Mauna Kea Working Group](#)
Subject: Comments re: Maunakea Working Group Report
Date: Tuesday, January 4, 2022 3:20:35 PM
Attachments: [2022Jan04 Comments re Maunakea Working Group Report.pdf](#)

Aloha,

Please find attached my comments regarding the Maunakea Working Group report.

Mahalo,

Jacqui Hoover

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Maunakea Working Group

04 January 2022

Aloha,

My name is Jacqui Hoover and while I have the privilege of serving concurrently as President and COO of the Hawai'i Leeward Planning Conference (HLPC) and as Executive Director and COO of the Hawai'i Island Economic Development Board (HIEDB), today I submit these remarks as a concerned Native Hawaiian and private citizen born, raised, and resident of Hawai'i Island.

I am extremely proud of my heritage and all that my kupuna have done to allow me to be here. I very much appreciate the commitment, concern, and thoughtfulness demonstrated by the working group and the integration of important cultural informatics, values, and context. And I am also keenly aware of, and personally face the challenge of navigating through the gauntlet to reconcile past and present without sacrificing either the future or being disrespectful of the rich legacy bestowed on me by my kupuna.

Therein lies the foundational reason that I disagree with the working group's proposal to enact a new governing entity for the management of MAUNA A WĀKEA. While I agree that there have been errors made under the current managing entity and there remains room for improvement, I also recognize there has been a great deal of work, effort, and inclusion to make important changes to management practices and style. Having a framework in place that can be corrected, improved, and strengthened is preferable to throwing the proverbial baby out with the bath water and starting from scratch. I therefore support continued stewardship and management by the University of Hawaii, and request that the working group be reconvened to discuss how to collaborate with the University to guide, nurture and support "the baby" and integrate the important cultural informatics, values, and guidance to be a better "parent".

It is also important to recognize astronomy in contemporary times is vitally important to economy, science, and education, and is also important to Hawaiian culture, heritage, history, science, and wayfinding. The report speaks of a perceived conflict of interest as reasoning to exclude the astronomy sector from having a seat on the proposed entity which is disconcerting especially when the report does not discuss other stakeholders and/or (real or perceived) conflicts of interest thus giving the perception that exclusion of astronomy (observatories) is a primary driver versus comprehensive management of MAUNA A WĀKEA.

Mahalo for allowing me to express my thoughts on this subject.

Respectfully submitted,

Jacqui Hoover
P.O. Box 384014,
Waikoloa, HI 96738
E-mail: jacquihoover@gmail.com

APPENDIX D

From: [KepaKekoa kaeo](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea management
Date: Tuesday, January 4, 2022 4:42:37 PM

The Kaolulo & kaeo ohana of mokuOkeawe reject the maunakea management scam.
We are illegal occupied by the USA military Genocide.
Aole

Sent from my iPhone

APPENDIX D

From: [Kaiāulu "O Kahalu"u](#)
To: [Mauna Kea Working Group](#)
Subject: Comments of Kaiāulu "o Kahalu"u to the State of Hawai'i Legislature on the Mauna Kea Working Group's Draft Report
Date: Tuesday, January 4, 2022 3:59:23 PM

To whom it may concern,

Kaiāulu 'o Kahalu'u, a grass roots organization provides the following comments on the Mauna Kea Working Group's (Working Group) Draft Report, "He Lā Hou Kēia Ma Mauna a Wākea: A New Day on Mauna A Wakea," dated December 17, 2021 (draft report).

Kaiāulu 'o Kahalu'u is a community-based organization created to serve, organize, and uplift Kahalu'u community voices. Our mission is to mālama the people, resources, history, wahi pana, and community well being of Kahalu'u.

1. Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity

The Draft Report recognizes existing management practices do not ensure the observatories: (1) plan for and finance decommissioning and restoration; (2) are held to appropriate standards of "restoration"; and (3) contribute to decommissioning funds. Draft report at 26. The Draft Report also, helpfully, recommends development of "a plan to return the mauna above 9,200 feet elevation to its natural state." *Id.* at 25. The Draft Report, however, unilaterally entrusts a new Governing Entity to ensure these are implemented in a timely and meaningful way. This is a mistake as described *infra* Part 3.

2. No framework to implement traditional kānāwai

The Draft Report describes traditional kānāwai, including Kai'okia Kānāwai, under which natural boundaries dictated traditions, such that "land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources." Draft report at 5. Hawaiian practices as dictated by traditional Kānāwai include: "The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is 'kapu'; therefore, prohibited for occupation." Draft report at 14.

These traditional laws prohibit industrial development on Mauna Kea, including existing development. Yet, these traditional kānāwai are only "intended to guide and inform how the [Governing] entity designs and implements its governance and management frameworks; and performs its day to day operations by recentering permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea." Draft report at 12. The problem has never been a lack of brilliance or deep knowledge of Hawaiian practitioners

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as is expressed in the kānāwai shared in the report. The problem has always been the failure of the University and State to relinquish their control over the management of Mauna Kea and their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of this sacred place. Western laws are open to a certain width of interpretation, safeguarded by checks and balances of the coordinate governing branches. Guidance and information have larger spheres of interpretation and lack assurances that they will be implemented. Instead, the Working Group should demand compliance with traditional kānāwai - no further development on Mauna Kea.

3.

Remove the Governor's power to appoint nearly all the members of the Governing Entity

Several years ago in 2018, the senate introduced SB3090, which would have removed UH from its management role over Mauna Kea and installed a governor-appointed management authority in its stead. Legislators introduced the bill after promising community groups that they would not do so. KAHEA joined the calls of caution from community leaders - that UH's dismal management record should not be a reason to repeat a wrong-headed approach directed at "resolving conflict". Conflict isn't the problem. The problem is over-development on the mauna.

Like the SB3090 Management Authority, the Working Group sets forth parameters for a "Governing Entity," comprised of nine members, all but one (the OHA CEO) of whom are appointed by the governor. Draft report at 23. The Governing Entity will be the "sole authority" over management of "state-owned lands above the 6,500 foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea." *Id.* at 21, 24.

Like the SB3090 Management Authority, this Governing Entity removes protective procedures that are currently in place and could themselves use strengthening. It would provide one-stop shopping for project design review, leasing, conservation district use permitting, environmental impact statement approvals, and any historic preservation or burial treatment impacts review. Instead of the more protective serialized system of approvals from different entities - BLNR, SHPD, DOFAW, Burial Councils, and other agencies - development applicants need only turn to the Governing Entity. Facilitating development on Mauna Kea is the *opposite* lesson that we should have learned from litigation and contested case hearings on the Thirty Meter Telescope.

More importantly, you cannot present a preformed template and ask the community to trust you to fill in the blanks. Management and governance of Mauna Kea must proceed from a truly community-based process that builds trust amongst people who have shown their commitment to protecting the mauna, which includes many more than those who served on the Working Group. Build that trust by empowering longtime Mauna Kea protectors from the Royal Order of Kamehameha, Sierra Club of Hawai'i, Hawaiian charter schools, Mauna Kea Anaina Hou to select Governing Entity members and without requiring the governor's appointment.

One issue that remains unresolved in the draft report is whether or not a representative from the astronomy industry should be afforded a seat. We strongly oppose this recommendation as the goals and interests of the astronomy industry have been overrepresented on Mauna Kea for

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the last 50+ years which has caused, “significant, substantial, and adverse harm” to cultural resources. (2005 NASA federal EIS on the Keck Outrigger project). Western astronomy now dominates the summit of Mauna Kea and need not further impose its priorities on this sacred landscape.

We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor’s power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea.

Me ka ‘oio’i’o,
Kaiāulu ‘o Kahalu’u

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From: [Heather Kaluna](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group Draft Report Comments
Date: Tuesday, January 4, 2022 11:16:42 AM
Attachments: [MWGDraftReportCommentsKaluna.pdf](#)

Aloha e Rep. Nakashima.

Please find my comments for the Maunakea Working Group draft report in the attached PDF.

Mahalo nui,
Heather Kaluna

--

Assistant Professor
Dept. of Physics and Astronomy
University of Hawai'i at Hilo
Phone: +1 (808) 932-7191

‘A‘ohe pau ka ‘ike i ka hālau ho‘ikāhi
All knowledge is not taught in the same school
One can learn from many sources

APPENDIX D

Heather M. Kaluna
13-3529 Maile St.
Pāhoa, HI 96778
January 4, 2022

Rep. Mark M. Nakashima
House of Representatives
State of Hawai‘i
State Capitol
Honolulu, HI 96813

Subject: Maunakea Working Group draft report comments

Dear Rep. Nakashima and members of the Maunakea Working Group,

As a constituent of the state and county of Hawai‘i, I am writing to express my concerns regarding the draft report of the Maunakea Working Group (MWG). I am concerned that should this new governing entity be allowed to replace the University of Hawai‘i in its management of Maunakea, it would hinder rather than enable the effective care of Maunakea. My reasons for this concern are stated below.

- The Independent Evaluation of the Implementation of the Comprehensive Management Plan (CMP) states that the management of Maunakea has largely been successful, thus, at the very least, the framework for the new Entity must be held to the same standard that the University has been held to in its care for Maunakea. Indeed, the suggested responsibilities and management priorities recommended by the MWG for the new Entity already exist in the current management structure of the CMP. However, many other details presented in the draft report are vague, underdeveloped, and fail to establish whether the new Entity’s governing structure would be as effective as the University’s current management structure. One of the areas identified by the Independent Evaluation as needing improvement is the “*timely adoption of administrative rules to ensure protection of Mauna a Wākea*”. Given the complexity of Maunakea’s governance, there is insufficient evidence that the new Entity will accomplish this particular goal while achieving a level of effective management comparable with that of the University.
- The MWG draft report also states that the education and outreach actions by the University “*aimed at restoring trust between the University of Hawai‘i and the Native Hawaiian community*” have not been effectively implemented. It appears that the MWG has not taken into consideration nor recognizes the significant efforts that the University of Hawai‘i has already taken, such as the creation of ‘Imiloa (a University community outreach entity), to address this very goal.

“‘Imiloa brings together members of the Hawaiian and astronomy communities to share a common vision for the future, bringing information about the cultural and natural history of Maunakea to students, teachers, our local residents, and visitors from around the world. ‘Imiloa links to early Polynesian navigation history and knowledge of the

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night skies, and today's renaissance of Hawaiian culture and wayfinding with parallel growth of astronomy and scientific developments on Hawaii Island.”¹

As such, the report does not describe nor evidence how the new Entity will be able to achieve these same responsibilities that the University—despite its many successful outreach and engagement programs (e.g. ‘Imiloa, HI STAR, AstroDay)—has been deemed ineffective in implementing.

- Despite the clearly stated need for increased consultation and dialogue between the astronomical and Native Hawaiian communities, the report states that two sub-groups (Native Hawaiian Culture and Astronomy subgroups) were created to address the tasks of the MWG. Thus, the MWG itself appears unable to facilitate these types of dialogues even within such a small group; it is unclear whether the working group’s proposed framework would be able to facilitate and enable such critical consultation between these two communities.
- There are several claims made about the role of Maunakea in the hydrological cycle of Hawai‘i island, however, no scientific evidence is presented to support such claims. As a resident of Puna who lives on the slopes of Kīlauea, it was surprising to see unsubstantiated claims about the hydrological cycle of Puna in a legislative document. While the Kumu Kānāwai seem like a viable way to include a Native Hawaiian worldview within the management structure of Maunakea, there needs to be distinction between cultural perspectives and scientifically supported claims when discussing our island’s water cycle and other environmental processes.
- Lastly, the report presents Maunakea’s significance as the eldest offspring based upon the He Mele No Kauikeaouli. It is not clear why this mele is used to ascribe Maunakea’s significance, as there are others which result in different interpretations of Maunakea (e.g. Mele o Kūali‘i suggests that the island of Kaua‘i is the oldest). Given that this report is a legislative document and will be used as a basis for future legislation, it is important to qualify the cultural perspectives presented in the report and make it clear there is not simply one, but multiple traditions and worldviews held by the Native Hawaiian community.

In order to determine whether the establishment of a new governing entity is worthwhile, it needs to be made clear that a new Entity will be superior—or at least equal—in its ability to effectively manage and care for Maunakea than the University of Hawai‘i. However, given the reasons stated above, I believe that the draft report as of yet has been unable to do so. Thus, I hope that the chair and members of the Maunakea Working Group will give renewed consideration to the University’s current and future management structure as an effective management entity.

Respectfully,


Heather Kaluna

¹ “About ‘Imiloa,” ‘Imiloa Astronomy Center, Accessed December 20, 2022, <https://imiloahawaii.org/about-imiloa>

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From: [Edith Kawai](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on House Resolution Np 33, H.D. 1
Date: Tuesday, January 4, 2022 4:29:35 PM

Aloha, Please find my comments below:

1. Appointments for Native Hawaiians should be a priority.
2. Seats for Native Hawaiian practitioners should be increased to 4 given focus and values of plan.
3. Homesteader should be appointed to board.
4. Support 15 year lease limits with vigorous evaluation for lease renewals.

Thank you,
Edith Kawai
Waimea Hawaiian Civic Club President



Virus-free. www.avg.com

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From: [Sam King](#)
To: [Mauna Kea Working Group](#)
Subject: Comments to Mauna Kea Working Group draft report
Date: Tuesday, January 4, 2022 4:09:49 PM
Attachments: [MKWG Draft Report 12-17-2021_sk.docx](#)

Aloha e Mauna Kea Working Group,

Please find attached my detailed comments on the Mauna Kea Working Group Report.

Mahalo,

Sam

**HE LĀ HOU KĒIA MA
MAUNA A WĀKEA:
A NEW DAY ON
MAUNA A WĀKEA**

MAUNA KEA WORKING GROUP

A Report to the Legislature of the State of Hawaii

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‘O Kupulanakehau wahine

I noho ia kahiko o Kahiko-luamea

Hānau o Paupaniākea

‘O Wākea no ia

Kupulanakehau is the female

Coexisted with the male, Kahikoluamea

Created was Paupaniākea

It is Wākea, indeed!

This is an excerpt from the Kumulipo chant, Ka Wa Umikumamaha, Chapter 14, Lines 1844-1847. This pauku describes the nascency of Wākea. The initial entity of origin for Wākea is the female parent, Kupulanakehau, followed by recognition of the male, Kahikoluamea. The first born is Paupaniākea, a nomenclature for Wākea. They are one and the same.

‘O hānau ka mauna a Wākea

‘Opu‘u a‘e ka mauna a Wākea

‘O Wākea ke kane, ‘O Papa, o walinu‘u ka wahine

Hānau Ho‘ohōkū he wahine

Hānau Hāloa he ali‘i

Hānau ka mauna

He keiki mauna a Wākea

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The mountain of Wākea is born

Wākea's mountain pushes up and out

Wākea is the male, the supple, powerful female entity is Papa

Ho'ohōkū is generated, a female

Hāloa is generated, a chief

The mountain is born

It is the spatial mountain progeny of Wākea

This chant is a portion of He Mele No Kauikeaouli, a chant in honor of Kamehameha III. It honors and acknowledges the wahipana o Mauna a Wākea as the eldest offspring, born of Wākea and Papawalinu'u, male and female energies from which all life springs.

The authors of this report have chosen to utilize the nomenclature, Mauna a Wākea interchangeably with Mauna Kea to honor the significance of this mauna to the environment, island, and people.

Mauna a Wākea stands 13,803 feet above sea level near the center of Hawai'i Island, more than 2,300 miles away from any other large land mass in the Pacific Ocean. Measured from base to peak at more than 33,500 feet, Mauna a Wākea is the tallest mountain on earth. Its physical stature as well as the neighboring Mauna Loa, which is 13,679 feet above sea level, dominate the landscape of the Island of Hawai'i and create the myriad of climates which contribute to the island communities experiencing eleven of the world's thirteen different climate zones. Significantly, Mauna a Wākea and Mauna Loa's immense height affect the meteorology and hydrology of Hawai'i Island, uplifting clouds pushed against the mountains by prevailing northeast tradewinds, inducing rainwater to percolate through layers of volcanic rock causing more than a billion gallons of fresh water to discharge from deep artesian aquifers into the ocean every day. (Thomas, 2008)

Interest in establishing astronomical facilities on the summit area of Mauna a Wākea began in the 1960's. In 1968, the Board of Land and Natural Resources provided a 65-year lease to the University of Hawai'i. In 1970, the University of Hawai'i built the first UH 88-inch telescope. By the end of the decade, five more telescopes were built, including the United Kingdom Infra-Red Telescope, the Canada-France-

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Hawai'i Telescope, the NASA Infrared Telescope Facility and two smaller instruments. By 1999, fourteen telescopes were built on the summit area, including the Caltech Submillimeter Observatory, James Clerk Maxwell Telescope, Keck I, Very Long Baseline Array, Keck II, Subaru, Gemini Northern Telescope, and the Smithsonian Submillimeter Array. (Ciotti, 2011)

In 1998, following complaints filed by the Sierra Club and community members, the State of Hawai'i Legislative Auditor's office conducted an audit and issued a scathing report of the mismanagement of the Board of Land and Natural Resources and the University of Hawai'i citing little had been done to protect natural resources of the mauna and lack of follow through on recommended actions. Subsequent reports, which still identified shortcomings, were filed by the State Legislative Auditor's office in 2005, 2014, 2017, and 2019.

Further, the Board of Land and Natural Resources granted a Conservation District Use Plan (CDUP) to the Thirty-Meter Telescope Project to develop a site near the summit area of Mauna a Wākea, which created a groundswell of opposition from communities across the State of Hawai'i. After exhausting legal challenges opposition to the project resulted in a stand-off with hundreds of kīā'i, or protectors, halting construction on the proposed project site in 2015. In 2019, a second attempt by the project to begin construction was met with even more opposition which resulted in thirty- eight kupuna being arrested in a peaceful protect and a backlash from across the islands and supporters outside of Hawai'i.

The December 2020 Ku'iwalu report provides the Department of Land and Natural Resources (DLNR) an independent evaluation of the University of Hawai'i's (UH), specifically the Office of Mauna Kea Management's (OMKM), implementation of the CMP management actions contained in Section 7 of the CMP and the public input on how effective UH is managing Mauna a Wākea. This comprehensive report concluded that while OMKM has made progress in implementing most of the CMPs and CMP Managed Areas, three areas of CMP were not being effectively implemented including: timely adoption of administrative rules to ensure protection of Mauna a Wākea and its resources; lack of consultation of key stakeholders on matters relating to cultural resources issues; and that OMKM did not engage with the community, particularly the Native Hawaiian community on education and outreach.

Currently, in 2021 the Board of Land and Natural Resources Chair has granted the controversial Thirty-Meter Telescope a permit to begin construction. The project remains on hold, however, as they seek additional funding from the U.S. National Science Foundation. (Astro 2020 Decadal Survey, 2021)

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In consideration of these findings, the Working Group offers this report. It is with a renewed sense of hope that the new Entity and its partners will be further equipped to care for Mauna a Wākea with consistent and earnest application of the Kumu Kānāwai in all of its activities.

Kumu Kānāwai: **The Native Hawaiian Concept of Environmental Kinship**

The setting of a kahua for this report and for the establishment of a new entity to properly manage Mauna a Wākea, rooted in Hawaiian understanding is paramount. Toward this end, the following is an offering to establish a firm foundation.

Native Hawai'i cosmovision, corpus of knowledge, and praxis emerges from a worldview that includes natural phenomena as a part of the socioecological world of relationships in which all are intimately connected **[COMMENT: This describes all human civilizations prior to the enlightenment. The protesters appear to not like science itself and are now trying to pretend that to be Hawaiian requires one to believe in Kapuist animism. This may very well be a violation of the Hawaii State Constitution's prohibition on the establishment of a state religion.]**.

This worldview is evidenced in the Kumulipo, the preeminent Hawaiian genealogy composed for Lonoikamakahiki circa 1700. This genealogy chronicles the genesis of the Hawaiian universe **[COMMENT: What is going on around here? Is this a Marvel comic where there is a separate "Hawaiian" universe in a multi-verse of race-based universes? Are all Hawaiians required to believe we come from this "Hawaiian" universe? Why does this report conflate "Hawaiians" with "Kapuists"? Are the authors of this section aware that there were atheists in Hawaii prior to Cook's arrival? (Malo, Hawaiian Antiquities, Ch 23, p 15). Are the atheist Hawaiians of old not really Hawaiians? By what right does this committee claim to be able to declare what the "Hawaiian Universe" is?]** to the creation of our islands to the appearance of the simplest life forms and to the evolution to man. The Kumulipo ends with the birth of Lonoikamakahiki, thus cementing man's relationship to every single life form in these islands and conveying the idea that all life is equal, the life of a human is equal to the life of the 'ōhi'a lehua of the forest and the coral of the ocean - all organisms are related and all contribute to the health of our 'āina (land) and ourselves. **The** Kumulipo not only relates man's relationship to flora and fauna, but also to the 'āina that nurtures us.

Traditionally, four kānāwai (laws of nature) govern our relationship to our 'āina, ensuring the health of the 'āina so that it will continue to nurture all life forms:

Ho'okikī Kānāwai - the edict of continuum; the cycles that balance and regulate our

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environment, inclusive of the hydrologic cycle, carbon cycle, nitrogen cycle [**COMMENT: Are the authors of this study claiming that ancient Hawaiian traditions discussed the carbon and nitrogen cycles? Because if so I would like to see a citation for that. To the extent these are modern terms being used today by Hawaiians, that is all well and good but then needs to recognize that being Hawaiian is not belief system. If the authors are claiming that “Hawaiianess” is a political identity, this report should not even be published.**], and rock cycle. It is imperative that these cycles are maintained for any disturbance throws the environment out of balance and wreaks havoc on livelihoods and communities.

Kua‘ā Kānāwai - the edict of emergency; the cycles of our environment, replete with natural phenomena and elemental activity, provide warnings that forecast an impending disaster, such as earthquakes that may trigger an eruption or tsunami, the receding ocean that exposes the sea floor, distant thunder and rising water levels in rivers portending flash flooding, high surf that results in strong currents and dangerous shorebreaks, freezing temperatures and blizzard conditions. Elemental activity, and

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their potential hazards, should dictate our actions and our responses. Ignoring these hazards may lead to injury and death.

Kai‘okia Kānāwai - the edict of boundaries; natural boundaries and pathways are delineated by lava flows, rivers, valleys, ocean, shoreline, land, sky and forest, kū and hina or vertical and horizontal divisions of air, ocean and earth. Traditionally, land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.

Kīho‘iho‘i Kānāwai - the edict of regeneration; when natural disaster or human activity changes the landscape, the land needs time to regenerate and reestablish its natural cycles. In the case of natural disasters, ecosystems can respond to restore balance in short order. Our ancestors understood this and recorded these phenomena in the Kumulipo, ‘o ke akua ke komo, ‘a‘oe komo kanaka. In the case of human disturbances, however, the capacity of natural systems to adjust depends on the nature of the system, the scope, scale, and duration of the activity, as well as the nature of its byproducts. Ecosystems with severe human disturbance often take longer to regain its balance, necessitating sustainable human intervention.

Normalizing the use of these traditional kānāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the ‘āina.

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(PLACEHOLDER)

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Photography Credit: Ku'ulei Kanahale, Ph.D.

The kānāwai that were first introduced in the Foreword will be used as a framework for this report. Chapter 1 begins the cycle with Ho'okikī Kānāwai, the edict of continuum. Ho'okikī kānāwai is an articulation of the cycles that balance and regulate our environment. The continuance of these cycles is the reason that there is life in these islands. Of import, Mauna a Wākea generates life-giving water resources for all inhabitants of Hawai'i Island to benefit from and to appreciate. The organization of this report is described through the four kānāwai to set the organizational cornerstones for which the new entity may be firmly established and in recognition that Native Hawaiian worldview is a central cord that ties and affirms the continuance of mutual responsibility of kanaka to its 'āina.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required;

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this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kāmilohae and Kūha‘imoana - the edict of passage; ability for underground water and magma to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for the health of the island as fresh cool waters deter hurricanes from decimating islands.

SCOPE OF THE REPORT

This report was prepared as a result of the adoption of House Resolution No. 33, HD. 1, (Regular Session of 2021), which convened a Mauna Kea Working Group (Working Group) to develop recommendations for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community. The findings and recommendations in this report were made by consensus by the members of the Working Group, unless noted otherwise, regarding Mauna a Wākea and how it should be managed going forward. Furthermore, while this report does not include legislation that reflects the recommendations of the Working Group, it is the intent of the Working Group that legislation be introduced in the 2022 Regular Session to reflect the recommendations made in this report. Additionally, it is not the intent of this Working Group to limit Native Hawaiian rights or cultural access to Mauna a Wākea. It is the hope of the Working Group that the new plan for Mauna a Wākea, as outlined in this report, will allow for the proper management of this spiritual, cultural, and environmentally sensitive wahi pana.

ORGANIZATION OF THIS REPORT

The remaining chapters of this report are organized as follows:

Chapter 2 provides a comprehensive background of Mauna a Wākea, including a cultural history of Mauna a Wākea; the creation of the Mauna Kea Working Group; and an overview of the process and methodology of the Working Group in developing its recommendations.

Chapter 3 outlines the recommendations of the Working Group for a new governance and management structure for Mauna a Wākea, including the values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

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Chapter 4 concludes the report by reflecting on the importance of this work and the recommendations of the Working Group.

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Photography Credit: Ku'ulei Kanahele, Ph.D.

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Pahu wai, attracting and storing water; photos showing both the pristine nature and inherent hazards of being in that elevation.
Photography Credit: Ku'u lei Kanahele, Ph.D.

Kua‘ā Kānāwai - the edict of emergency, is a proclamation that dictates one's behavior in respect to natural phenomena and significant cultural sites. The history and cultural significance of an object or place informs one of the proper protocols and behavior needed upon approach. Thus, the Mauna a Wākea Working Group prioritized the preparation for productive debate, contemplation and conversation to align towards a unified purpose and generational commitment to accountable environmental kinship systems by learning about the Kumu Kānāwai.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of hot, steamy lands and their relationship to the ecosystems.

Kānāwai Ulu La‘au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

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BACKGROUND

HISTORICAL AND CULTURAL SIGNIFICANCE OF MAUNA A WĀKEA

A subcommittee focused on Hawaiian culture content and context provides further explanation of Kumu Kānāwai as a foundational set of guidelines and a framework for fundamentally shifting from continental modeled behaviors and value systems towards Island Consciousness: to think and live like an island.

These kānāwai are intended to guide and inform how the entity designs and implements its governance and management frameworks; and performs its day to day operations by recentring permissible human use and access activities towards the overall, cumulative health and resilience of Mauna a Wākea. Conversely, the kānāwai should be applied to evaluate activities that may have adverse effects on the ecosystem. Furthermore, the kānāwai should be incorporated into policies, procedures and monitoring systems such as the review of lease renewals.

With comprehensive and consistent application of the kānāwai into the total governing and managing systems of Mauna a Wākea, the ‘āina and resident community will benefit from a strengthened reciprocal relationship. The following tenets are subprinciples to the main text and seek to describe the importance of Mauna a Wākea, which are deserving of the highest kapu. In addition, by reestablishing Kumu Kānāwai into the ethos of the Governing Entity, an increase in understanding and appreciation of Native Hawaiian history and cultural practices will be effectuated.

In summary, it is the intent of the Mauna a Wākea Working Group to adopt administrative rules enabling the Entity to ensure the protection of this vital ecosystem, in a timely manner and to actively encourage the participation of Native Hawaiians in this process.

NO KA HONUA, CONCERNING THE EARTH

Kānāwai Kuahiwi - the edict of the spine of the islands affects all areas that are designated kua or tops of the islands. This includes kuahiwi or high mountains that

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attract big clouds that gestate into rainfall. Kua provide the elemental activities that kanaka cannot reduplicate which are responsible for attracting all manner of mist, clouds, snow, water accented by names like Ka'ohe. Other kuahiwi deter big winds and divide initial wind strength. Mokupuni or islands are made up of mauna or kuahiwi. Mokupuni are inseparable entities from the ocean floor to the crest of their summit.

Most kua summits exist at the 'Āpapanu'u spatial level or below the earth's atmosphere. The kua of Mauna Loa and Mauna a Wākea are in the 'Āpapalani spatial level. 'Āpapalani is the upper stratum of the earth's atmosphere; it is also a term used for chiefs of the highest order. It is where the gods dwell. Therefore, the mauna belongs to the atmosphere and not to the earth.

Kānāwai Kūikawao - the edict of atmospheric trees; presence of large canopy trees that touch and attract the clouds in regions from wao akua to wao nāhele is required; this includes the urgent necessity to reforest upper reaches of mountains; corridor planting helps create kīpuka for more rapid reforestation.

Kānāwai Kupukupu - the edict of "little eyes" or 'ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of germination; seasons for fledglings; season for calving as in whales. 'Ōmaka is the beginning of regeneration.

Kānāwai Kūkeao - health of clouds; affected by pollution in atmosphere and privatization of water cycle - care must be given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

Kānāwai Ulu La'au - protection of forest at all wao levels as nurseries for further growth and promise for water recharge.

Kānāwai Pahulau - the edict of 400 chambers; concerning the care of aquifers and their relationship to ocean health & reef ecosystems.

Kānāwai Pahukini - the edict of 4,000 chambers; concerning the care of aquifers, water tables, glaciers, snow caps, caves; recognition of all manner watersheds in all strata.

Kānāwai Kāmilohae and Kūha'imoana - the edict of passage; ability for groundwater and underground water to have uninterrupted underground passages vertically and horizontally; for the health of ocean creatures in the freshwater areas; for health of island as fresh cool waters deter hurricanes from decimating islands.

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Elevated Hawaiian Practices for Mauna a Wākea are listed according to their importance as dictated by the Kānāwai and the mele oli Hānau Ka Mauna.

1. The height of the mauna sits at an atmospheric level that prohibits occupation. The top is revered and should be treated with utmost reverence. It is the makahiapo or the oldest child and is "kapu"; therefore, prohibited for occupation. According to the mele oli the mauna has continued to grow until it was out of the earth's atmosphere, which gives it the privilege of "makahiapo keiki kapu". It also has the respect of the sun which rises each morning thus offering obeisance to the mauna. The sun is also a "keiki kapu". This is the highest kapu or prohibition owing Mauna a Wākea.
2. The gathering of water is the function of Mauna a Wākea. All water forms listed in the above kānāwai (s) are localized at different levels of the mauna. Water flows over land to Hāmākua, Hilo, and Puna and through the subterranean channels to fill the underground aquifers of the island. The pahuwai of Ka'ōhe fills the large ponds of Hilo and Puna with fresh water. The cold ocean of Hilo and Puna indicates freshwater seepage out to the ocean to refresh the reef system and the growth of limu.
3. The cloud system feeds the forest of Hāmākua, Hilo, and Puna; therefore, the water cycle between forest and atmosphere is healthy. Maintaining the continuous growth of forest trees is the reciprocity we can offer as kanaka for a continuous and healthy water cycle. Maintaining, encouraging and restoring the growth of large forests is our kuleana as kanaka for the health of this island.
4. Application of "‘ohana" or environmental kinship includes genealogical connections to fire names or Pelehonuamea, the ocean or Kanaloa, the moon or Hina, the sun or Kāne, the mauna or Wākea and Papa, and the forest trees or Kū and Laka. We inherit names such as Likolehua, Mauna a Wākea, Moananui, Kalāho‘ohie, Nāhuihui a Makali‘i, Ahi‘enaopuna, Noe, Mahina, etc. This provides the privilege of owning the element and studying its makeup, developing a personality and becoming a part of the environment and therefore the protest for the mauna displays the need to protect ‘ohana.

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HOUSE RESOLUTION 33

The Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, prepared for the Department of Land and Natural Resources by Ku'iwalu and published in December 2020, concluded that while the University of Hawai'i has effectively implemented most of the management actions related to protecting the natural and cultural resources on Mauna a Wākea, the management actions designed to respect the Hawaiian cultural practices and resources and conduct education and outreach that were intended to restore trust between the University of Hawai'i and the Native Hawaiian community have not been effectively implemented. The report also found that the lack of genuine consultation with the Native Hawaiian community has resulted in greater mistrust of the University of Hawai'i and management of Mauna a Wākea, leading to polarizing viewpoints between various stakeholders on Mauna a Wākea and local communities.

As a result, on March 4, 2021, the Hawaii House of Representatives adopted House Resolution No. 33, H.D. 1, (Regular Session of 2021), to reconcile this mismanagement, mistrust, and polarization by convening the Working Group to develop recommendations, building on the findings of the Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community. The fifteen- member Working Group was further tasked with submitting a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than December 31, 2021.

The Working Group consisted of the following membership:

1. One member to be appointed by the Speaker of the House of Representatives to serve as the Chairperson of the Working Group to facilitate the group to develop a consensus;
2. Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives;
3. Seven members who are Native Hawaiian to be nominated by Native Hawaiian groups, organizations, or communities and appointed by the Speaker of the House of Representatives;
4. One representative from the Office of Hawaiian Affairs;
5. One representative from the Board of Land and Natural Resources;

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6. One representative from the University of Hawai'i Board of Regents; and
7. One representative from the Mauna Kea Observatories.

As noted by Speaker of the House of Representatives Scott K. Saiki, since the management of Mauna a Wākea has long been an area of contention between various stakeholders and communities and continues to be one of the top issues that the State needs to resolve, the composition of the initial Working Group included eleven members who are Native Hawaiian and eleven members who reside on Hawaii Island. The members of the Working Group are:

- Representative Mark Nakashima, Chair, House of Representatives
- Representative Ty J.K. Cullen, House of Representatives
- Representative Stacelynn K.M. Eli, House of Representatives
- Representative David A. Tarnas, House of Representatives
- Ms. Jocelyn Leialoha M. Doane, Native Hawaiian Community Representative
- Dr. Lui Hokoana, Native Hawaiian Community Representative
- Dr. Bonnie Irwin, Chancellor, University of Hawai'i at Hilo
- Dr. Pualani Kanaka'ole Kanahale, Native Hawaiian Community Representative
- Mr. Joshua Lanakila Mangauil, Native Hawaiian Community Representative
- Mr. Robert K. Masuda, First Deputy, Board of Land and Natural Resources
- Mr. Rich Matsuda, Interim Chief of Operations, W.M. Keck Observatory
- Ms. Brialyn Onodera, Native Hawaiian Community Representative
- Mr. Shane Palacat-Nelsen, Native Hawaiian Community Representative
- Mr. Sterling Wong, Office of Hawaiian Affairs*
- Dr. Noe Noe Wong-Wilson, Native Hawaiian Community Representative
- Mr. Wayne Tanaka, Office of Hawaiian Affairs*
- Dr. Sylvia Hussey, Office of Hawaiian Affairs*

(*These individuals served partial-terms on the Working Group as the Office of Hawaiian Affairs representative and did not serve concurrently.)

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PROCESS AND METHODOLOGY OF THE WORKING GROUP

Although the formation of the Working Group brought together a group of individuals with varying opinions and diverse experiences, the Group consisted of people who all shared a deep connection to and appreciation for Mauna a Wākea. The Working Group's goal was to submit a report to the Legislature by December 31, 2021, that included recommendations for a new governance and management structure for Mauna a Wākea. The Legislature would then hold public hearings on legislation based on these recommendations to create laws needed to enact an effective governance and management structure for Mauna a Wākea.

The Working Group convened via videoconference beginning on July 1, 2021, with meetings initially scheduled on the second and fourth Wednesdays of each month. However, beginning in September, meetings were scheduled weekly, including two in-person meetings at the University of Hawai'i at Hilo, at the 'Imiloa Astronomy Center and Ka Haka 'Ula o Ke'elikōlani, respectively. Ms. Mahina Paishon-Duarte and Mr. Sterling Wong were also invited to the meetings to provide assistance as facilitators to aid the Working Group in its discussions.¹

During the initial meetings, members gained a comprehensive understanding of Mauna a Wākea from the Native Hawaiian perspective, including the sacredness of Mauna a Wākea and its connection to Native Hawaiians. As the discussions turned to what the members envisioned for the future of Mauna a Wākea and its management, setting a Native Hawaiian cultural foundation became a priority for the Working Group, with the development of additional action steps to devise its recommendation for a new governing entity.

To help reach their goals and better guide decision-making, the members of the Working Group established the following unifying purpose statement and guiding value and principles:

"We recognize that Native Hawaiians have an inseparable environmental kinship with 'āina. Therefore, the health and integrity of Maunakea is paramount. Our purpose is to establish a collaborative and holistic management framework for Maunakea that is grounded in Kānāwai and the laws of nature; prioritizes Native Hawaiian voices; contributes to environmental and social justice; and is sensitive to diverse perspectives."

¹ Mr. Wong volunteered to serve as a facilitator after leaving the Working Group. He was initially appointed as the representative from the Office of Hawaiian Affairs.

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To provide a better understanding of Mauna a Wākea and other working models for management and governance, the Working Group participated in several presentations on various topics, including cultural perspectives relating to Mauna a Wākea, the Kaho‘olawe Island Reserve, water systems, role of astronomy and the University of Hawai‘i on Mauna a Wākea, Papahānaumokuākea Marine National Monument, and Native Hawaiian concepts of environmental kinship. These presentations were informative and provided the members with opportunities to ask key questions. Additionally, the Working Group looked at several maps of Mauna a Wākea that highlighted specific features and data sets to assist with its decision-making process (see Appendix D).

A myriad of issues were discussed and considered by the Working Group at its meetings, including but not limited to water resources, stakeholders and right holders, ceded lands and public land trust lands, and the astronomical significance of Mauna a Wākea to name a few. However, due to the scope of the task of the Working Group and relatively limited timeframe, two subgroups were established – the Native Hawaiian Culture Subgroup and Astronomy Subgroup – to meet outside of regularly scheduled Working Group meetings to discuss issues related to their respective topics. The subgroups later shared their findings with the entire Working Group. Additionally, to assist with the decision-making and writing of this report, two writing groups were established – the Governance Writing Group and Access and Use Writing Group – that met outside of regularly scheduled Working Group meetings to develop ideas related to their respective topic to bring back to the Working Group for decision-making. Through robust discussions in the respective writing groups, key issues were prioritized for the discussion by the entire Working Group.

Decisions by the Working Group for its recommendations in this report were made by consensus by the call of the Chairperson of the Working Group. If consensus could not be reached, agreement could be made by a two-thirds majority of the members with indication of the minority voice in this report.

To ensure transparency and public input, updates on the Working Group's efforts were posted on the Working Group's website (see Appendix B) and members of the public were welcome to submit comments by email to maunakeawg@capitol.hawaii.gov. Additionally, the first draft of this report was posted online for public comment (see Appendix C).

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Kai'okia Kānāwai, the edict of boundaries, delineates the organizational structure and stewardship of land and society. The recommendations outlined in this chapter pertain largely to the management of human activity and to the drawing of new management boundaries that better enable an integrated and attuned whole systems approach to daily and seasonal management. In following Kai'okia Kānāwai, the entity will aspire to regularly review designated access and use areas and activities and will assess direct and cumulative impact to Mauna a Wākea.

A photo of Smithsonian Submillimeter Array at Poli'ahu, to show human access and use of the conservation district. Photography Credit: Ku'ulei Kanahale, Ph.D.

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A NEW GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA A WĀKEA

This chapter outlines the recommendations of the Working Group for the new governance and management structure (Governing Entity) for Mauna a Wākea. It is the intent of the Working Group that legislation will be introduced by the Legislature that establishes a Governing Entity with the following values and guiding principles, jurisdiction, organizational structure, powers and duties, access and use priorities, and funds and financial support.

VALUES AND GUIDING PRINCIPLES

The Working Group recognized the importance that the Governing Entity for Mauna a Wākea be grounded in Native Hawaiian values and guiding principles, specifically the Kumu Kānāwai, or the Native Hawaiian concept of environmental kinship. This prioritization of environmental stewardship and cultural recognition ensures the necessary guidance for the Governing Entity in its decision-making and management processes and functions. Therefore, the Working Group recommends the following guiding operational values and principles for the Governing Entity:

Mauna Aloha: We understand the reciprocal value of the mauna and our long-term commitment to maintaining the integrity of Maunakea.

‘Ōpū Kupuna: We understand and embrace our duty and accountability to Maunakea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna.

Holomua ‘Oi Kelakela: We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards without jeopardizing our foundation of ‘āina aloha.

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JURISDICTION

Due to the many stakeholders and complexity of topography on Mauna a Wākea, the Working Group thoroughly discussed the management area for the Governing Entity. The issue of ensuring that the management area was appropriately manageable by a single entity was discussed and taken into consideration by the Working Group, as an area too large would present resource and other logistical challenges. Also, the Working Group considered how the Governing Entity would work with other landowners on Mauna a Wākea so that there was open communication about its management goals and policies. Therefore, the Working Group recommends the following jurisdiction and associated responsibilities for the Governing Entity:

The jurisdiction area for the Governing Entity shall be state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea, in order to care for Mauna a Wākea through an integrated, whole systems approach. Additionally, for lands outside of its jurisdiction, the Governing Entity shall enter into cooperative management agreements with the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area.

ORGANIZATIONAL STRUCTURE

To establish the organizational structure of the Governing Entity, the Working Group first identified and discussed key stakeholders, state constitutionally-recognized right holders, right holders with property interests, and Native Hawaiian cultural practitioners. Once these individuals and entities were recognized, the Working Group determined an organizational structure for the Governing Entity that best represented these individuals and entities. However, the Working Group could not reach consensus on whether to include an astronomy representative on the board. While some members of the Working Group recognized the contributions such a member could bring to the board, other members shared concerns about potential conflicts of interest and preferred that representatives from the astronomy community serve the Governing Entity in an advisory capacity. Consideration was also given to include representation on the board from the Department of Hawaiian Home Lands, County of Hawaii, and private landowners whose lands are within the jurisdiction area. However, it was determined that the Governing Entity should instead seek out cooperative agreements with those entities for cooperative and coordinated management of Mauna a Wākea. Still, while not all of the organizational details could be outlined by the Working Group,

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many of the major structural concepts were discussed and agreed upon. Therefore, the Working Group recommends the following organizational structure for the Governing Entity:

The Governing Entity shall be attached to the Office of the Chairperson of the Board of Land and Natural Resources for administrative purposes.² Decision-making for the Governing Entity shall be made by a nine-member board, of which seven seats shall be appointed and two seats shall be held by ex-officio members, with the board selecting a Chair from among its non-ex-officio members; provided that the Chair shall not be the Executive Director of the Governing Entity. Additionally, of the nine members, four of the seven non-ex-officio board members shall be Native Hawaiian Hawaii Island residents, with a preference for Native Hawaiian Hawaii Island residents for all seven non-ex-officio board seats.

In nominating its three respective board seats, the Office of Hawaiian Affairs shall develop a list of candidates for consideration by the Governor. In developing a list of nominees, the Office of Hawaiian Affairs shall seek input from the Native Hawaiian community and work in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College, using the existing selection process used for Island Burial Council candidates as a model. The Office of Hawaiian Affairs, in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College, shall submit six names for the three Native Hawaiian Cultural Practitioner seats to the Governor for consideration.

In nominating its four respective board seats, the nominating committee shall develop a list of candidates for consideration by the Governor. Each list for a vacant board seat shall contain three names, and all nominees whose names are submitted to the Governor for selection shall be made public at the time of submission.

The nominating committee shall be comprised of individuals named and appointed by each of the following: the Speaker of the House of Representatives, Senate President, and Chief Executive Officer of the Office of Hawaiian Affairs, with consideration given to Hawaii Island residents.

The Governing Entity shall review and may revise the nominating process every three years.

The nine-member board shall include the following:

² Dr. Hussey abstained from this recommendation.

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- (1) The Chairperson of the Board of Land and Natural Resources, or the Chairperson's designee (ex-officio member);
- (2) The Chief Executive Officer of the Office of Hawaiian Affairs, or the Chief Executive Officer's designee (ex-officio member);³
- (3) A current resident of Hawai'i Island with 'āina resource management expertise and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (4) A current resident of Hawai'i Island with infrastructure and land management experience and a track record of Hawai'i Island-based management, nominated by the nominating committee;
- (5) An individual with educational expertise in P-12 public education; community, culture, and Hawaiian language medium-based education; or post-secondary education, nominated by the nominating committee;
- (6) An individual with business and finance experience, nominated by the nominating committee; and
- (7) Three Native Hawaiian Cultural Practitioners nominated by the Office of Hawaiian Affairs, in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian Studies Program at Hawai'i Community College.

All members of the board, except for the Chairperson of the Board of Land and Natural Resources and Chief Executive Officer of the Office of Hawaiian Affairs, shall be appointed by the Governor pursuant to section 26-34, Hawaii Revised Statutes.

The board shall appoint an Executive Director who shall serve as Chief Executive Officer. Additionally, the Governing Entity shall determine its administration organizational structure and expertise needs, including but not limited to employing rangers to serve as education, general safety, and outreach resources; and shall establish its offices on Hawai'i Island.

³ Dr. Hussey recused herself from voting on this recommendation.

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POWERS AND DUTIES

The Working Group recognized that the scope of managing an area of such important cultural significance and geographic size presents many challenges. Additionally, because Mauna a Wākea is the kuahiwi, or backbone, of Hawai‘i Island in a structural, physical, and spiritual sense, the Governing Entity should work toward decreasing the human footprint of all users and visitors of Mauna a Wākea. Therefore, the Working Group recommends the following powers and duties for the Governing Entity to ensure that it can uphold the responsibilities of managing Mauna a Wākea:

The Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea (See JURISDICTION). The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai‘i.⁴ Furthermore, the Governing Entity shall protect Native Hawaiian rights.

The Governing Entity shall have land disposition authority for its lands with similar land disposition processes and lease terms that are consistent with chapter 171, Hawaii Revised Statutes. The Governing Entity shall also provide a specific process that ensures transparency, analysis, and justification for lease terms and shall be prohibited from selling, gifting, transferring, or exchanging its land.

To assure that the Governing Entity has adequate time to establish itself, the Governing Entity shall have a transition period of three years to assume management of Mauna a Wākea lands.

Furthermore, the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the State's energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values.

⁴This language mirrors §6K-9, Hawaii Revised Statutes, related to the Kaho‘olawe Island Reserve Commission.

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The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state.⁵

To ensure community input and engagement, the Governing Entity shall engage in community dialogue, outreach, engagement, and consultation processes, as appropriate, on significant matters not less than on an annual basis and more frequently, as needed.

To maximize transparency, the Governing Entity shall be subject to administrative procedure pursuant to chapter 91, Hawaii Revised Statutes; Sunshine Law, pursuant to chapter 92, Hawaii Revised Statutes; the State Procurement Code, pursuant to chapter 103D, Hawaii Revised Statutes; and chapters 183, 205, 205A, and 343, Hawaii Revised Statutes.

To ensure accountability, the Governing Entity shall submit an annual report to the Legislature at least twenty days prior to the convening of each Regular Session. The report shall include a review of the entity's management actions; review of the implementation of all legislatively required plans, including financial and management plans; review of the impacts of human uses on the natural and cultural resources of Mauna a Wākea; assessment of cumulative impacts to Mauna a Wākea; and review of all community dialogue, outreach, engagement, and consultation.

To address enforcement issues and responsibilities, the Governing Entity shall work with the Department of Land and Natural Resources' Division of Conservation and Resources Enforcement and Hawai'i County Police enforcement structure to enforce rules and monitor public safety through cooperative agreement. Additionally, the Governing Entity shall create operational procedures that are guided by the Kumu Kānāwai and implemented by enforcement partners.

⁵ The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawaii's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members.

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ACCESS AND USE PRIORITIES

Due to Mauna a Wākea's significance, the Working Group took a comprehensive approach in determining the existing uses of Mauna a Wākea, including Native Hawaiian practices, astronomical and other scientific research, tourism, resource gathering, conservation, and recreation. The Working Group determined that prioritizing these uses and better managing access to Mauna a Wākea would assist the Governing Entity in meeting its responsibilities and management priorities. Therefore, the Working Group recommends the following access and use priorities for the Governing Entity:

The Governing Entity shall establish a management framework guided by the Kumu Kānāwai to manage access, stewardship, education, research, permitted uses for frequent and seasonal users, and overall operations. The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use".

The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance.⁶ Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time.

The Governing Entity shall ensure that, as a condition of any lease, an observatory shall plan for and finance its decommissioning process on Mauna a Wākea and return and restore the impacted areas, to the greatest extent possible, to their pre- construction condition. Additionally, the Governing Entity shall determine what site restoration shall be based on, including but not limited to the protection of the natural and cultural resources of Mauna a Wākea and in accordance with the Kumu Kānāwai, and develop a process to enforce lease requirements compliance, such as establishing fines. Additionally, the Governing Entity shall establish a trust fund, special fund, or other funding mechanism designated for decommissioning costs that the observatories shall be required to contribute toward as a condition of their leases.

To further reinforce the management principles for Mauna a Wākea, the Governing Entity shall require all people accessing Maunakea to undergo an annual orientation anchored by the Kumu Kānāwai and require all employees, contractors,

⁶ Ms. Doane noted for the record that bona fide practitioners should not be unduly burdened from exercising their constitutionally protected Native Hawaiian practices and, when setting up its access processes, the Governing Entity should consider what process should specifically apply for constitutionally protected practitioners.

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leaseholders, and others who regularly access Mauna a Wākea to have more extensive and frequent training on the Kumu Kānāwai.

As a way to capture information about users, establish an education outreach post, collect fees, and close access to Mauna a Wākea in case of an emergency, the Governing Entity shall determine an appropriate site for an entryway to Mauna a Wākea.

FUNDS AND FINANCIAL SUPPORT

The Working Group recognized that financing the operations of the Governing Entity would be critical in ensuring the perpetuity of Mauna a Wākea. Several funding mechanisms were presented by the members of the Working Group with the intent of ensuring that the Governing Entity had authority to secure funding from a variety of sources. Therefore, the Working Group recommends the following financing for the Governing Entity:

To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding.

To help establish the Governing Entity, general funds should be allocated by the Legislature for at least the first five years. Special funds shall also be used to provide financial support for the Governing Entity.

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Photography Credit: Ku'ulei Kanahele, Ph.D.

CLOSING

REFLECTION

Kīho‘iho‘i Kānāwai, the edict of regeneration, is a necessary component of all living systems to heal and grow. This can be physical or spiritual. With this in mind, the existing management structures may be viewed as a microcosm of ‘āina that is in need of care, a time for fallow and for regeneration. To this end, the chasm that exists between ‘āina and people will persist, without careful attention towards the human governance and management systems that have the power and authority to serve Mauna a Wākea for the sake of its own health and vitality. Indeed, Mauna a Wākea is a cherished ancestor, to be cared for and protected for all generations.

Kānāwai Kupukupu - the edict of "little eyes" or ‘ōmaka; must allow for regeneration on land and kai; refers to new plants, coral and fish spawning seasons; seasons of

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germination; seasons for fledglings; season for whale calving. ‘Ōmaka is the beginning of regenerations.

Kānāwai Kūkeao - health of clouds; pollution in atmosphere and privatization of water cycle-care given to the atmosphere. Ao process includes transpiration, condensation, sublimation, rainbow, precipitation and downpour. Kahualani, cloud seeding may be a way to add to cloud health.

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(House Resolution 33 to be attached)

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(Summaries of Working Group meetings from website to be attached)

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(Public comments on first draft of report to be attached)

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(Maps to be attached)⁷

DRAFT

⁷Two maps will be included in the final version of the report: a map of the 6,500 foot elevation jurisdiction on Mauna a Wākea that includes Pu‘uhuluhulu with ahupua‘a names and waterways, but no land ownership boundaries; and a map of the 6,500 foot elevation jurisdiction on Mauna a Wākea that includes Pu‘uhuluhulu with land ownership boundaries.

APPENDIX D

From: [Ahukini Kupihea](#)
To: [Mauna Kea Working Group](#)
Subject: Comments for Mauna Kea Working Group's Draft Report
Date: Tuesday, January 4, 2022 4:29:23 PM

'Ano ai kakou,

'O Kehaulani me Ahukini Kupihea keia,

Mahalo for taking the time to compose a proper working group for the Mauna & for a more positive cultural outcome for the lahui Hawaii.

We like to offer some suggestions:

- in addition to the designated seats on the governing board, it would be important to have a seat for someone from the Hawaii Island Homestead Association.
- we strongly agree that it is vital to have a specific designated seat for cultural practitioners whose kuleana is specific to traditions, mo'olelo, & oihana no'eau to the mauna itself.
- we feel that it is vital to the mauna that all state leases be limited to no more than 15 years with rigorous evaluations for lease renewals.

me ka ha'aha'a mauili no,

--

[A.R. Kupihea](#)
[MFA-Sculpture UHM](#)

APPENDIX D

From: [Gerald Lai](#)
To: [Mauna Kea Working Group](#)
Subject: FW: Mauna Kea Working Group's Governing Model for Mauna Kea
Date: Tuesday, January 4, 2022 4:38:51 PM

From: Gerald Lai <gerald.kk.lai@gmail.com>
Sent: Tuesday, January 4, 2022 4:30 PM
To: maunakeaWG@capiyol.hawaii.gov
Cc: imuatmt@gmail.com
Subject: FW: Mauna Kea Working Group's Governing Model for Mauna Kea

From: Gerald Lai <gerald.kk.lai@gmail.com>
Sent: Tuesday, January 4, 2022 3:42 PM
To: maunakeaWG@capitol.hawaii
Cc: imuatmt@gmail.com
Subject: Mauna Kea Working Group's Governing Model for Mauna Kea

To Members of the Mauna Kea Working Group (MKWG)

The Draft Report of the MKWG EXCLUDES the international and national astronomy and scientific community a vote on the management of Mauna Kea.

The International and National Science communities, recognize the importance and immense value of astronomy to advance mankind's knowledge of the Universe, in the fields of Astro-Physics, Mathematical Physics, Mathematics, Quantum Physics, and Cosmology. The international astronomy and science community includes the United States, Canada, China, and India which have invested billions into the research and development of the science, technology, hardware, software, and construction of existing observatories and the Thirty Meter Telescope on Mauna Kea.

In the United States, the US National Academy of Science, Gordon and Betty Moore Foundation, Caltech and the University of California are major supporters, contributors, and investors in the research and development of the Thirty Meter Telescope on Mauna Kea.

To exclude the International and National Science Communities from having a say or a vote on the management of Mauna Kea, is a highly prejudicial, one-sided proposal by the opponents of the Thirty Meter Telescope.

The opponents of the Thirty Meter Telescope have used the meme and trope that Mauna Kea is sacred. However, the Hawaiian religion and governance, under the Kapu system, was abolished by King Kamehameha II, Liholiho and Queen Kaahumanu in 1819, 203 years ago. Under the First Amendment to the US Constitution, Under the Establishment Clause, the legislature "shall make no

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law respecting an establishment of religion". And under the Free Exercise Clause, "or prohibiting the free exercise thereof." "Thus building a wall of separation between Church and State." Thomas Jefferson, a founding father of the US Constitution and third President of the United States.

The Importance of the Thirty Meter Telescope

In 1608 AD, Galileo Galilei invented a telescope which magnified objects 30 times clearer in detail than the human eye. Galileo was the first person to see the four moons of Jupiter, which he thought were distant stars. But after months of observation, he realized that Jupiter's moons were orbiting Jupiter. With his telescope, Galileo observed the movement of the planet Venus and the waxing and waning of Venus like our moon. When the sun was between the Earth and Venus, Venus was brightly lit. And as Venus moved toward or away from the Earth, Venus would wax and wane like the phases of our moon. When Venus was between the Earth and the Sun, Venus was in full darkness. Galileo then realized that Venus was actually orbiting the Sun, and that the Earth and the other planets were also orbiting the Sun. Up to that time, people, everyone, and the Catholic Church, believed the Earth was immovable, the center of the Universe, that the Sun, planets, stars, and celestial bodies were absolute, immutable, immovable and revolving around the Earth.

Galileo with his telescope observed that the faint smudges of light in our Milky Way Galaxy were actually packed with billions of stars, our Sun just one of them. Galileo also observed a supernova, a comet, solar flares and sunspots on our Sun.

Galileo's discoveries and findings contradicted portions of scripture in the Bible, which brought him into conflict with the Catholic and Protestant churches. In 1633, Galileo was arrested, then tried and convicted for heresy by the Catholic Inquisition. Galileo was forced to recant his astronomical and scientific discoveries, and placed under house arrest for the rest of his life.

Galileo is also considered the Father of the Scientific Method, deriving Principles and Findings by observation, experiment and inductive reasoning. Albert Einstein called Galileo, "The Father of Modern Science". Galileo implemented a major development in human thought, the Separation of Science from Religion and Philosophy. "The Laws of Nature are Mathematical"- Galileo. Besides his accomplishments in Astronomy, Galileo is also considered the Father of Modern Physics of the Principle of Relativity, of mathematical astronomy, inventor of telescopes, microscopes, thermometer, and time pieces.

The Thirty Meter Telescope on Mauna Kea will have a thousand-fold magnification of Galileo's telescope and will be technically far superior to Galileo's telescope. The Thirty Meter Telescope will have the capability to observe the cosmos in near-ultraviolet to med-infrared wavelengths, with adaptive optics to reduce blurring. The Thirty Meter Telescope on Mauna Kea, located in the Northern Hemisphere, working in conjunction with the Giant Magellan Telescope (GMT) in Chile, located in the Southern Hemisphere, will allow astronomers and scientists an unobstructed view of the entire cosmos from the Earth.

As the Polynesians of old, observed, studied, and understood the heavens, to guide them, navigate, explore, discover, and populate vast and remote areas of the Pacific, The Thirty Meter Telescope will carry on this tradition of observing, studying, learning, and understanding the vast Universe in Time

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and Space, to move Mankind forward toward a greater Knowledge and Understanding of Principles and Laws of the Infinite and Eternal Universe.

IMUA TMT

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From: [Ellen LaPenna](#)
Cc: [Mauna Kea Working Group](#)
Subject: Grateful
Date: Tuesday, January 4, 2022 4:30:48 PM

Aloha and mahalo for your work and time given to come up with a framework that highlights the necessity and importance of Hawaiian voices, views and stewardship regarding Mauna Kea.

One quick comment, in my short time here I've noticed that the Hawaiian people have a remarkable and palpable connection with the land that would be hard to describe in words. While I understand the importance of protecting the mountain, I would also not want such an endeavor to hamper or discourage native Hawaiians from spending time with their beloved Mauna.

I'm hopeful that your work will be used and implemented to truly honor what is sacred.

Thank you and aloha,

Ellen in Na'aluhu

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From: [mary beth laychak](#)
To: [Mauna Kea Working Group](#)
Subject: Re: Public Comment
Date: Tuesday, January 4, 2022 3:33:22 PM
Attachments: [Laychak MKWG testimony.pdf](#)

Aloha,

This time with the comments attached.

Mary Beth

On Tuesday, January 4, 2022, 03:32:30 PM HST, mary beth laychak <mblaychak@yahoo.com> wrote:

Aloha,

Attached are my comments on the WG draft document. Mahalo for the opportunity to provide feedback.

Mary Beth

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Aloha Rep. Nakashima and members of the Maunakea Working Group,

Mahalo for the effort put forth to create this draft report. The time spent on this document is evident and I greatly appreciate the collaboration of differing viewpoints melded into this draft recommendation.

I appreciate and agree with much of the content included in the draft. With that in mind, I would like to share my thoughts on a critical issue left unresolved by the Working Group—the composition of the board.

As a resident of Hawai'i Island, I think it's critical for those living in the daily view of Maunakea have a voice on the board. It is clear to me that the Working Group understands how integral a connection to Hawai'i Island is for board members, yet no seat was created to represent the residents of the island. I ask the working group to consider adding a seat to represent these residents.

Astronomy is a part of Maunakea now, and judging by the document, into the future. The astronomy community has important perspectives to contribute to inform decision-making for the entity in the future. Potential benefits to the board include:

- Operational insights and transparency into day-to-day operations at the summit and base facilities.
- A direct link for the entity to the international government agencies, institutions and collaborations that support astronomy on Maunakea
- Representation for the 500+ Hawai'i Island residents working in astronomy.

Astronomy representation does *not* automatically mean involvement by UH IfA nor does it mean involvement by a person without connection to Hawai'i Island. It could instead mean involvement from a representative of the existing Maunakea Observatories who meets the same criteria as the other representatives—Hawai'i Island rooted kama'āina, ideally Native Hawaiian. The Mauna Kea Working Group itself was structured to include a representative from astronomy and I hope perspective they brought to the group enriched the document.

Mahalo for considering my comments as you finalize the report.

Sincerely,
Mary Beth Laychak

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From: [Hilton Lewis](#)
To: [Mauna Kea Working Group](#)
Subject: Comments and Feedback from the Maunakea Observatories
Date: Tuesday, January 4, 2022 3:26:08 PM
Attachments: [MKO Feedback to MKWG Report Jan4.pdf](#)

Aloha,

Attached, please find comments and feedback from the Maunakea Observatories on the Mauna Kea Working Group's Draft Report.

Mahalo,

Hilton Lewis

Director, W. M. Keck Observatory on behalf of the Maunakea Observatories



Hilton Lewis
Observatory Director
W. M. Keck Observatory
65-1120 Mamalahoa Hwy.
Kamuela, Hawai'i 96743

Main: 808 885-7887
Direct: 808 881-3811
Fax: 808 885-4464
www.keckobservatory.org
hlewis@keck.hawaii.edu

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To: Members of the Mauna Kea Working Group
From: Maunakea Observatories
Subject: Feedback to the Mauna Kea Working Group's Draft Report (December 17, 2021)
Date: 04 January 2022

As the Directors of the Maunakea Observatories listed below, we thank the working group for the time and effort put forward to create this report. We applaud the working group for creating a document that pulls together multiple facets of Maunakea. We offer the following feedback in response to the report.

Feedback to MKWG Report

1. We fully acknowledge that Maunakea holds a special cultural significance for Native Hawaiians. We support Native Hawaiian involvement in the future governance of Maunakea.
2. We acknowledge the spirit of aloha that the Working Group represents, and hope that the next steps continue in that spirit, allowing for all stakeholders to have a seat at the table as we plan the future for Maunakea.
3. Astronomy development is, and has long been, an important state priority. Institutions have invested significant capital (a roughly \$1B capital investment) and effort in developing astronomy facilities on Maunakea over the decades. Astronomy has a large workforce and provides important educational and economic benefits to both Hawaii Island and the state.
4. Hawaii is the premier location for ground-based astronomy in the world, and the contribution of astronomy from Hawaii to world-wide science is both significant and consistent. The Working Group report substantially understates the world-wide impact of astronomy done in Hawaii, the prestige accruing to the state, and its major positive impact on the economy of both Hawaii Island and the state.
5. The UH Institute for Astronomy is prestigious and recognized worldwide for its scientific contributions. In addition, astronomy supports student entry pathways into the field, especially for students from Hawaii, and hopefully a greater number of Native Hawaiian students in the future. However, this is largely dependent on access to observing time on the Maunakea observatories.
6. The statement about returning Maunakea to its natural state but not stating a timeline complicates the longer-term vision for astronomy. The state has taken a position of

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prioritizing astronomy and as a result, public and private institutions invested strategically to build the current facilities.

7. The timeline for establishing a new governing entity is too short and excessively risky.
 1. Management of Maunakea lands is extremely challenging with many stakeholders. Standing up a new entity of such complexity in just 3 years, without an obvious transition plan from UH, is impractical and risky.
 2. The land re-authorization for astronomy on Maunakea may be imperiled by the unrealistically short timeline. Even though the current lease is valid through 2033, the complex and lengthy steps leading up to it mean the deadlines for action are much sooner.
 3. The short timeline would likely severely undermine the confidence of funding agencies for the continued funding of astronomy on Maunakea. At minimum, new subleases with the existing observatories need to proceed in parallel with any change of governance so that there is a long-term assurance to the observatories and their funding agencies.
8. Astronomy Seat on Board
 1. We strongly believe astronomy must be part of any governance board to ensure the best decisions about governance and management are made.
 2. We believe the inclusion of at least one astronomy representative on the board is required and fair, especially given the central role of astronomy in any future funding arrangements.
 3. Representation of astronomy on the board would not control outcomes but would nevertheless provide an important stakeholder voice.
 4. Astronomy would be providing significant funding for governance and management, and the forward planning and sustainability of such funding should be thoroughly considered.
 5. Any changes to astronomy's footprint, including reduction of footprint, should fully consider scientific, educational, cultural, community and economic impacts. An astronomy representative could best speak to the scientific and funding issues, to assure proper decision-making.
9. Financing of Governing Entity
 1. Whatever financing model is arrived at, it must be viable for the long term.
 2. The University of Hawaii currently makes significant financial and other contributions to the governance and management of Maunakea. These contributions will have to be replaced by some other funding model.
 3. The Observatories are concerned their funding contribution alone will not be enough in the long term for the new Governing Entity's survival, and are thus concerned that the lack of explicit funding sources outlined in the document will impact its viability.
10. Decommissioning
 1. We agree that observatories should have viable financial plans for eventual decommissioning, so that the necessary funds are available in the timeframe needed.

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2. Paying into a state-controlled decommissioning fund may be prohibited by the policies of National and international funding agencies.
3. Even if this is possible, there must be assurances in the laws around the state controlled decommissioning fund assuring proper and allowable use of the funds.

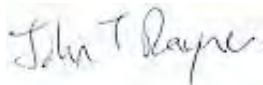
Aloha,



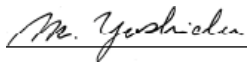
Director Hilton Lewis, W. M. Keck Observatory (Keck I and Keck II)



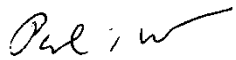
Interim Director Andy Sheinis, Canada-France-Hawaii Telescope



Director John Rayner, NASA Infrared Telescope Facility



Director Michitoshi Yoshida, Subaru Telescope



Director General Paul Ho, East Asian Observatory

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From: [Jon Lindborg](#)
To: [Mauna Kea Working Group](#)
Subject: Comments Regarding Mauna Kea (MK) Working Group Report: Flawed and Biased Against Astronomy and the University of Hawaii
Date: Tuesday, January 4, 2022 4:01:21 PM

I write in opposition to subject report's recommendations. While there are some good ideas in the report, it is unbalanced in not representing the interests of astronomy or the important role of the University of Hawaii (UH). Key issues include:

- 1. Any new management structure must include astronomy and the University of Hawaii as strong voices in decision-making.** Astronomy on Maunakea is immensely valuable to the state both economically and in terms of scientific advancement. But the proposed new management structure entirely cuts astronomy out of all decision-making. As drafted, the MK Working Group Report is puts astronomy in Hawai'i at serious risk.
- 2. The MK report does not improve upon the current MK management structure as detailed in the new draft Master Plan.** The current master lease for astronomy on Maunakea expires in 2033. UH is in the process of seeking lease renewal beyond 2033 and this must be done soon. It is unclear how the state can put in place a new management structure in place of UH which will then turn around and timely re-authorize astronomy after 2033. The report gives no assurance at all that astronomy's future will be prioritized by this new management structure.
- 3. The MK report appears to be biased in removing astronomy entirely.** Specifically, the Report suggests that Maunakea be zoned as a "forest reserve". In addition to being unrealistic (Maunakea is a high alpine desert climate with no trees), this rezoning is far more restricted and could preclude all observatories.
- 4. The report inappropriately proposes to expand the jurisdictional area by 10-fold.** This would include the whole mountain from the 6,500 ft elevation at the Saddle Road Junction to the summit. There is no logical basis for this as a solution to problems supposedly restricted just to the upper 11,000 acres of Maunakea. Furthermore, it makes proper management of such a huge area difficult to implement and prone to failure.
- 4. UH should retain at least co-management of Maunakea.** The entire premise of a new management structure is flawed. The Ku'iwalu (auditor) Report lauds UH's management of natural resources on Maunakea, stating that Maunakea is "some of the best managed land in the entire state". Thus, there is no justification for removing a good manager of state lands. The Ku'iwalu Report's main criticism of UH was its lack of community outreach and engagement with the Hawaiian community. It can be addressed by giving representatives of the Hawaiian community decision-making power in a modified version of the current management structure, not by creating an entirely new structure.

Sincerely,

Jon D. Lindborg

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Jon D. Lindborg

Resident, Kailua-Kona, Hawaii, 96740

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From: [Rene Pierre Martin](#)
To: [Mauna Kea Working Group](#)
Subject: MKWG Comments
Date: Tuesday, January 4, 2022 10:25:11 AM
Attachments: [mkwg.pdf](#)

Aloha,

Please find a letter with comments for the Maunakea Working Group.

Mahalo,

Pierre

--

Dr. R. Pierre Martin
Associate Prof. of Astronomy/Observatory Director/Dept. Co-Chair
Dept. of Physics and Astronomy
University of Hawaii at Hilo
Email: rpm33@hawaii.edu
Phone: (808) 932-7028

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January 4, 2022

Rep. Mark M. Nakashima, Chair
House of Representatives
State of Hawai‘i
State Capitol
Honolulu, HI 96813

Subject: Maunakea Working Group draft report

Dear Rep. Nakashima and members of the Maunakea Working Group,

As a professional astronomer, faculty member at UH Hilo, and resident of the county of Hawai‘i for more than two decades, I would like to offer the following comments regarding the recent draft report of the Maunakea Working Group:

- I support Native Hawaiian involvement in the future stewardship governance of Maunakea.
- The report as presented severely understates the importance and contributions of astronomy conducted from Maunakea for the entire world and for the prestige of the State of Hawai‘i. Astronomy has also a large economy impact and offers essential educational opportunities for the residents of Hawai‘i. None of that is included in the report, making it very incomplete and shallow.
- The new governance entity as proposed must be held to the same standards that the University has been held to in the past decades. I do not find improvements upon the already existing management structure as the proposed responsibilities are vague, the timelines are not realistic and many of the suggested procedures are already in place. The legal implications of the new governance are also not discussed. On the contrary, I believe the new UH Master Plan proposes a more realistic and sound governance, and that public consultation has been thorough through its development process.
- The report alludes to “restoring Maunakea to its natural state”. What “natural state” means is unclear but is likely to be detrimental in continuing world-class scientific activities, cultural practices and/or recreational visits that are currently enabled by the road and the access to the summit.
- I strongly believe that if such a governance entity is adopted, that at least one astronomy representative must be part of the board, especially if astronomy provides some funding. Any changes affecting the astronomy footprint at the summit has many impacts so a representative could provide important guidelines in the decision-making process.
- With its lack of details and risk analysis, the report creates a problematic climate of uncertainty related to the near-future scientific and educational activities linked to Maunakea. In particular:
 - The current ensemble of Maunakea Observatories is the most productive research-wise in the world. Observatories also have a strong educational impact, not acknowledged in

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the report. On the contrary, the goal seems to make the future of all existing astronomical facilities on Maunakea very uncertain. Respective agencies in the process of evaluating further investments in their existing facilities (including NASA and the NSF and their important contributions in astronomy and educational opportunities) might be very concerned if such a new governance is put into place, especially since no astronomy representative is proposed to be on the board. The loss of world-class astronomical facilities on Maunakea would be a deep loss for the entire State of Hawai'i, for all of astronomy in the USA, and worldwide. There have been so many discoveries using the facilities on Maunakea that it is difficult to imagine the state of astronomy today if telescopes had not been built on that superb site.

- Research activities on Maunakea provide numerous STEM educational opportunities, for hundreds of students across the State of Hawai'i. At UH Hilo alone for instance, opportunities for students arise in fields like evolutive biology, ornithology, volcanology, astronomy, engineering, geology, robotic space exploration, botany, hydrology, environmental science, ecology, climate change, etc. As mentioned above, the uncertainty surrounding the future access to Maunakea and the potential loss of the observatories as described by the report could have a very negative impact on these activities, more so if local or federal research funding related to such STEM are affected or reassessed due to an unsound management structure.

In summary, although I strongly believe that the Native Hawaiians involvement in the governance of Maunakea must be improved, I consider that the current report does not provide an adequate solution. On the contrary, I think it is more divisive in addressing a complex problem and that it should not be moved for further consideration by the Legislature.

Sincerely,



Dr. R. Pierre Martin
Associate Professor & UH Hilo Educational Telescope Director
Chair, Department of Physics and Astronomy
University of Hawaii at Hilo
Hilo, Hawaii

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From: [Mauna Kea INFO](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the draft of the Working committee
Date: Tuesday, January 4, 2022 3:34:34 PM

January 4, 2022

To: Mauna Kea Working Group

From: Mauna Kea Education and Awareness (MKEA)

Aloha

Mauna Kea Education and Awareness (MKEA) has actively worked to raise the awareness of people in Hawai'i and beyond on the spiritual, historical, cultural, environmental, and political significance of Mauna Kea since 2015. We appreciate this opportunity to contribute our comments on the Mauna Kea Working Group document.

We are in agreement with this statement and believe that this is essential to the future of any plan for Mauna Kea: "It is the hope of the Working Group that the new plan for Mauna a Wākea, as outlined in this report, will allow for the proper management of this spiritual, cultural, and environmentally sensitive wahi pana."

The following are areas of the report which we feel are important to note for the continuing protection and well-being of Mauna A Wākea.

1.

HE LĀ HOU KĒIA MA MAUNA A WĀKEA: A NEW DAY ON MAUNA A WĀKEA

Traditionally, four kânāwai (laws of nature) govern our relationship to our 'āina, ensuring the health of the 'āina so that it will continue to nurture all life forms: **Ho'okikī Kânāwai Kua'ā Kânāwai Kai'okia Kânāwai Kīho'iho'i Kânāwai**. Normalizing the use of these traditional kânāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. ***"Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the 'āina."***

2.

Elevated Hawaiian Practices for Mauna a Wākea are listed according to their importance as dictated by the Kânāwai and the mele oli Hānau Ka Mauna

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We would like to highlight especially #4 which is essential to understanding relationships to the Mauna for Native Hawaiians. ***“Application of “‘ohana” or environmental kinship*** includes genealogical connections to fire names or Pelehonuamea, the ocean or Kanaloa, the moon or Hina, the sun or Kāne, the mauna or Wākea and Papa, and the forest trees or Kū and Laka. We inherit names such as Likolehua, Mauna a Wākea, Moananui, Kalāho‘ohie, Nāhuihui a Makali‘i, Ahi‘enaopuna, Noe, Mahina, etc. This provides the privilege of owning the element and studying its makeup, developing a personality and becoming a part of the environment and therefore the protest for the mauna displays the need to protect ‘ohana” Examples of this understanding being necessary would be the removal of ahu on the Mauna in the past and that the Northern Plateau, is example of links to `ohana. It is where one would go to receive ancestral knowledge and learning. Both of these have been documented in oli, chants and various contested case proceedings.

3.Holomua ‘Oi Kelakela: We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) ***as well as on new and expanding knowledge***. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards ***without jeopardizing our foundation of ‘āina aloha***.

Calling attention to working group, this section which seems to show that astronomy was given an equal voice. While this might seem reasonable to others, this choice is fraught with possible conflict of interest professionally and financially. The highlighted part of the sentence seems to imply an old stereotype that this committee should be foraging past. This is where we will note that we agree with those who feel astronomy should be involved only in an advisory capacity, (pg. 21) “While some members of the Working Group recognized the contributions such a member could bring to the board, other members shared concerns about potential conflicts of interest and preferred that representatives from the astronomy community serve the Governing Entity in an advisory capacity”.

4.” The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state” p. 25

We would like to clearly state that TMT should not be built on Mauna Kea and that

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current telescopes and other facilities must be decommissioned with the utmost care for the protection of the Mauna and all those areas this committee noted and listed as important.

Thank you for taking the time to read the comments from MKEA. Closing with this quote from the draft : "We recognize that Native Hawaiians have an inseparable environmental kinship with 'āina. Therefore, the health and integrity of Maunakea is paramount. ***Our purpose is to establish a collaborative and holistic management framework for Maunakea that is grounded in Kānāwai and the laws of nature; prioritizes Native Hawaiian voices; contributes to environmental and social justice; and is sensitive to diverse perspectives.***"

Mauna Kea Education And Awareness

mkea.info@gmail.com

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From: [Rick McAlister](#)
To: [Mauna Kea Working Group](#); david.y.ige@hawaii.gov; Mitch.D.Roth@hawaiicounty.gov; [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#); tim.richards@hawaiicounty.gov
Subject: Comments on the Mauna Kea Working Group Draft Report
Date: Tuesday, January 4, 2022 7:17:33 AM

January 4, 2021

Comments on the Mauna Kea Working Group Draft, December 17th, 2021

Frankly, my overall response to the draft report produced last month by the Mauna Kea Working group was one of profound disappointment in its breadth, quality and conclusions. Finding broad consensus on such issues is clearly a very difficult task -- but apparently not one taken on by this committee. The report speaks far more to the narrow political and religious agenda of a select few rather than discovering common ground amongst all the people of Hawaii. Sadly, the resultant proposal is simply a thinly veiled attempt to resurrect the culture of kapu through the formal assignment authority only to adherents to this agenda and against the will and common interests of the majority of Hawaiians.

Accordingly, it would actually be better to simply scrap this proposed plan and continue forward with the current UH management structure under UH's new master plan. Although not without flaws, UH's management of Mauna Kea has least been productive. The major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. This new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure, which actually does try to balance the economic, cultural and scientific interests of Hawaii for Hawaiians.

The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would explicitly endanger the astronomy industry on Mauna Kea.

The report implies that Mauna Kea is "sacred" to all Native Hawaiians is patently false. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for

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astronomy.

The report promotes an alternative naming of a "Mauna a Wakea". Mauna Kea was never named Mauna a Wakea and claims to the contrary are manufactured history. This tax-payer-hosted document should not continue to embrace this falsehood.

In conclusion, what King Kamehameha II did not abolish 200 years ago with was the Hawaiian appreciation of the stars, their application in navigation, and their study. In fact, telescopes were first brought to Hawaii by King Kalakaua who understood the deep connection between Hawaiian culture and the study of the stars. Are we to forget the Polynesian, Tupaia, the master navigator, who studied the stars and used them to help lead Captain Cook to various Pacific Islands, including New Zealand, that Cook is credited as “discovering?” To this interest of the Hawaiian people, this report not only does not speak, but sorely attempts to permanently bury. That needs to be fixed.

Mahalo nui loa,

Richard McAlister, Kamuela, HI

- Rick

APPENDIX D

From: [O.F.](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea Working Group's Draft Report comments
Date: Tuesday, January 4, 2022 12:19:57 PM

Aloha kākou,

I am writing today as a citizen of the United States residing on the island of Maui. I recognize the Mauna Kea Working Group's draft and existence as a dishonorable and criminal travesty against the Hawaiian Kingdom. Reading through the draft, I found only your agenda to continue the perpetuation of Hawaiian genocide masked beneath false pretenses of some good faith language fluff.

Such perpetuation is made abundantly clear in the second paragraph of page 24 as you stipulate federal recognition of Native Hawaiians as a condition. The lawful truth is that we occupy a country that still exists as the Hawaiian Kingdom. It is therefore a bold-faced lie to call any lands on Mauna a Wākea, perceived by the Governing Entity, "state-owned lands."

I see nothing in your draft that offers confidence in sustainable and honorable conduct on Mauna Kea; as opposed to the current decades-long status quo. As a U.S. citizen, I am mortified that this is how you use your energy and resources because this entire draft has wasted them. I am also disgusted with Representative David A. Tarnas' hand in all of this - especially with all his efforts behind House Bill 499.

In addition, I see right through how comfortable the Thirty Meter Telescope project is with white supremacist narratives. For example, there has been a prevailing argument of this battle being one of spirituality against science when in fact, Hawaiians have shown up at the foot of the mountain en masse to educate the importance of ethical and accountable science.

If there is to be a future for science on the mountain, we should want no part of it if your standards and conduct are the ones that are to be accepted. It belongs to the Hawaiian Kingdom and all efforts of theft and desecration violate international law.

Sincerely,
Olivia Nguyen

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From: [Raquel Dow](#)
To: [Mauna Kea Working Group](#)
Subject: legislative report on Mauna Kea
Date: Tuesday, January 4, 2022 12:18:28 PM

I am extremely disappointed in the recommendation of the legislative committee. I believe the management of Mauna Kea should remain the purview of the University of Hawaii. Although mistakes were made in the past, UH has worked diligently to correct those mistakes, especially with increased outreach to members of the Hawaiian community and inclusion of Hawaiians in developing plans for the mauna. However, the current legislative report throws out all of that progress and disregards any input from the rest of the residents of Hawaii.

All aspects of the community should be represented not just one vocal group. The astronomy community should be allowed to participate given the many benefits they provide the community such as funding for STEM education for our keiki and good paying jobs.

To approve this report would make a mockery of all the work that has been done over the past ten years in favor of kowtowing to the protesters who have violated laws and refused to accept legally valid decisions when they did not go their way. Mauna Kea belongs to all of us, not just to a vocal minority. Mauna Kea is no more sacred than the rest of our beautiful islands and should be cared for by representatives of all of us not just a few.

Raquel Dow
11-3886 5th Street
Volcano, HI 96785

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From: [Kai \(Kristi\) Robinson](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on Mauna Kea WG draft report
Date: Tuesday, January 4, 2022 4:06:26 PM

To whom it may concern:

I refer you to the comments submitted by Kahea: The Hawaiian Environmental Alliance in response to the call for comments regarding The Mauna Kea Working Group's Draft Report dated Dec. 17, 2021.

I have read Kahea's comments, and my comment I submit here is to echo and reiterate the comments of Kahea.

I would also add that it is a shameful, sneaky move by the Working Group to release their report on December 17th, giving the community a mere 2.5 weeks - during the holiday season - to review the document and provide feedback. This is typical of the UH's and the State's dealings on Mauna Kea for decades, trying to circumvent meaningful public input. . .The Working Group's report is named "A New Day on Maunakea," but that appears to be dishonest window dressing.

The basic problem remains the failure of the University and State to relinquish their control over the management of Mauna Kea, as well as their refusal to allow those most knowledgeable to apply that knowledge to the care and protection of the Mauna. That, combined with the continued tactics by the University and State to avoid meaningful public input (as exhibited in this case by the questionable comment period as described in the paragraph above), bodes very poorly for the Working Group and their intentions.

Sincerely,

Kai (Kristi) Robinson
Kapolei, Hawai'i

APPENDIX D

From: [Donald Rudny](#)
To: [Mauna Kea Working Group](#)
Cc: [Rep. Mark Nakashima](#); [Sen. Lorraine R. Inouye](#); david.y.ige@hawaii.gov; [Sen. Laura Acasio](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: MKWG Comments
Date: Tuesday, January 4, 2022 9:44:21 AM

Aloha MKWG,

I have reviewed the draft proposal of the Mauna Kea Working Group to propose a new governance and management structure for Mauna Kea. The proposal in its present form is flawed and should be summarily rejected by the Hawaii State Legislature.

I cite the following reasons for my opinion.

1. As one who lives on Mauna Kea and is also a “stakeholder” in the future of Mauna Kea, I found the Working Group process to be much too exclusive and lacks consideration of all citizens of Hawaii.
2. The draft proposal appears to exclude input from the astronomy community. Mauna Kea has proven to be the best site in the world for astronomy. The science of astronomy has deep roots in Native Hawaiian culture and history and plays a major role in our economy and future educational development of our young people. Astronomy should play a prominent role in the governance and future development of Mauna Kea.
3. The proposal raises constitutionality concerns by requiring appointments to be based on racial, religious or ethnic backgrounds. Potential violations of both the First and Fourteenth Amendments of the U.S. Constitution exist. All elected officials are sworn to uphold the Constitution of the United States. Passing this proposal as law may be a violation of their oath of office.
4. The present ownership of lands in the managed area requires the agreement and cooperation of several entities. The present governing structure is in place and has been working well despite the claims of some. Significant changes have been implemented to address some of the concerns brought up in the past two or three decades, and the controlling entities appear to be very open to consideration of input from anyone for additional changes.

I have the deepest respect for Native Hawaiians and recognize the issues affecting them, but Mauna Kea is a distraction to addressing and solving them, and this process and proposal will not resolve the real issues. I believe that we are all brothers and sisters in humanity, and must work with respect for each other to resolve these conflicts and issues, with equal consideration for all involved as guaranteed by the U.S. Constitution. This proposal fails to do that and will only create more division among us.

Mahalo for your time and attention.

Don

Don Rudny
P.O. Box 106
Pepeekeo, HI 96783-0106

312-209-5870

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From: [Shannon Rudolph](#)
Subject: Mauna Kea Working Group - Comments
Date: Tuesday, January 4, 2022 2:28:37 PM

Aloha! I am a 40 year Hawai'i Island resident and well aware of the mismanagement of Mauna Kea for many decades. Re: Working Group Draft Hawaiians should have the final say over their property since the 'stewards' have done such a bad job. There should be no further development on Mauna Kea without a 'majority' of Hawaiians' in agreement. I don't think an Astronomer should have a say in the management of Mauna Kea or have a seat on the board; that seems like a blatant conflict of interest. I also question 'who appoints' members to a management plan; it seems those who 'appoint' are always biased in their picks. As a US taxpayer, I don't wish to be a part of the colonization of Hawaiians Conservation Lands. I have followed this issue for many decades & don't believe the Hawaiian people will ever allow another telescope on Mauna Kea & want it restored to its pristine condition, eventually. I support them. Even though I am an old haoli who loves science, I will help block the road, too. Land based telescopes are dinosaurs now. Mahalo, Shannon Rudolph - Holualoa

While the new proposed structure takes management out of the hands of the University of Hawai'i entirely, its make-up is still largely determined by the Governor and legislature, who hold the most power when it comes to board nominations and appointments.

With this in mind, it is important to know that comments will inform the final draft as well as the legislation and therefore should propose specific changes that will

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- 1) strengthen Hawaiian control over our lands
- 2) strengthen the protection of Maunakea from any further development, and
- 3) facilitate a return of Maunakea to its natural state.

If there are aspects of the proposed structure that you wish to maintain, including the exclusion of a board seat designated for Astronomy, please also emphasize those aspects in your comments.

--

How wonderful it is that nobody need wait a single moment before starting to improve the world. ~ Anne Frank

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From: biffpixel@gmail.com
To: [Mauna Kea Working Group](#)
Cc: [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#); david.y.ige@hawaii.gov; Mitch.D.Roth@hawaiicounty.gov
Subject: Comments and response to Mauna Kea Working Group's Draft Report
Date: Tuesday, January 4, 2022 1:27:54 PM

As a long time Big Island resident I wish to express some concerns over the Mauna Kea Working Group's draft report. With so many years of open discussion, I find it disappointing that religious and cultural biases still preclude our state from reaching a compromise resolution which protects and improves our care for the Mauna in a way beneficial to all parties. Cultural mandates regarding the staffing and political power of the Working Group seem to be unproductive.

Suggestions of the Group to further curtail participation of non-native and pro-astronomy parties is sad and reflects poorly on all the progress that has been made. Let's capitalize on that progress by delivering a forward looking policy which elevates Hawaiian solutions for environmental sustainability and maintains a global leadership role in the astronomical sciences. Bring economic and educational prosperity to our children and leave a legacy of compassion and stewardship for our planet.

I wish you a happy New Year and hope that 2022 brings all Hawaiians happiness and bounty.

Best regards,

-barry

Barry Carlton Ruff
Kailua-Kona, HI USA

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From: [Aaron Seltzer](#)
To: [Mauna Kea Working Group](#)
Subject: Draft Report Comments
Date: Tuesday, January 4, 2022 4:13:36 PM

To whom this may concern. While I recognize the difficulties of the Mauna Kea working group in resolving the concerns of all interested parties, I am concerned with some aspects of the current draft proposal. The report appears to currently give too much credence to the groups objecting to the Thirty Meter Telescope, who are in reality a minority of both Hawaiian and Native Hawaiians. The draft also appears to wrongly indicate the construction of the telescope is truly being delayed by anything other than the protesters obstructing construction operations and difficulties in with respect to the State of Hawaii enforcing the law so far.

The current proposal suggests entirely excluding those associated with professional astronomy or the University of Hawaii from a vote in the management of Mauna Kea in spite of their importance to the site. This also includes astronomy important impact on the Hawaiian economy with a comparatively low environmental footprint in relation to other industries and the benefits of Hawaii being associated with such cutting edge science and the potential benefits for residents of Hawaii (including potential future good paying jobs) having such a strong astronomy program at the University of Hawaii. The current version of the proposal even could completely unnecessarily create problems for the astronomy community simply through ignorance given the lack of a voting member on the board to make them aware of these issues. At a minimum some sort of voting representative either associated with the professional astronomy community or the University of Hawaii should be part of this proposed governing body, although ideally a stronger voting voice with more members given the current suggested composition would be preferable.

While the report suggests that Manua Kea including the summit will be governed by "HRS 183" and "HRS 205A", this makes little sense since there are no trees near the summit so "forest reserves" would not be an appropriate management category, nor would classifying it under coastal lands" given its geographic location. This appears to have potentially been suggested by opponents of the Thirty Meter Telescope in bad faith in order to obstruct astronomy observations. At a minimum any management proposal adopted should reasonably accommodate professional astronomy, especially given its limited impact on the landscape compared to many other possible uses.

While the current proposal seems to have enormous problems and probably would make more sense to scrap entirely and re-evaluate any potential changes, these issues at a minimum need to be effectively addressed. Otherwise the State of Hawaii could start obtaining a reputation as unreliable and untrustworthy for potentially both businesses and scientists which would hurt both the people of Hawaii in general and Native Hawaiians in terms of the long term consequences. (Among other things making the State of Hawaii even closer to being exclusively dependent on tourism for its economy and highly vulnerable to possible future events which might impact this such as COVID did.) Please let me know if you have any further questions regarding this matter.

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Sincerely,
Aaron Seltzer

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From: [Gregg Shankle](#)
To: [Mauna Kea Working Group](#)
Subject: I support Executive Director Sam King's Letter
Date: Tuesday, January 4, 2022 12:41:01 PM

To the Maunakea Working Group:

Please record me as being in full support of all points detailed in Executive Director Sam King's letter to the Maunakea Working Group.

Respectfully,

Gregg Shankle
68-3602 Ele Ele Street
Waikoloa, Hawaii 96738
greggs39@gmail.com

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From: [Andy Sheinis](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the MKWG report
Date: Tuesday, January 4, 2022 4:09:24 PM

To Whom it may concern,

I am very appreciative of the effort all parties took to develop this report. This is a very positive step in bringing together all parts of the Hawaii community on the Maunakea Issue. As a member of the Astronomy Community, I see the fact that this mostly-Hawaiian working group, containing three of the most vocal TMT protesters, is signing up to a document that shows a future for astronomy on Mauna Kea as very positive.

Nonetheless I do take issue with a several of details in the report, most importantly the lack of representation of astronomy on the board of directors for the new Maunakea management entity. My personal opinion is that Hawaii needs an astronomer on this board, as that astronomer has direct access to the information the board needs to answer questions and manage the Mauna. Whether those questions be:

<!--[if !supportLists]-->A. <!--[endif]-->Financial in nature with regard to how observatories are funded or the interests of and rules governing the funding agencies,

<!--[if !supportLists]-->B. <!--[endif]--> Technical in nature as to what systems are in place at the observatories to mitigate or ameliorate any impact to the Mauna as well as future plans for upgrading internal telescope systems, or

<!--[if !supportLists]-->C. <!--[endif]-->Scientific in nature, about the scientific impact of individual observatories or collectively what that impact means for humankind.

It is clear that having that direct Line of communication to the astronomy community will be critical for the board in understanding the impact of their decisions and potential future options for the summit of Mauna Kea.

In addition to the board seat concerns I have concerns around:

1. Financing the new entity: If observatory lease rents and fees are seen as the majority source of funding, that funding model may not be feasible. The observatories currently spend over \$6 million a year on road maintenance, invasive species control, ranger salaries, monitoring of archeological sites to name a few. If the area under the kuleana of the new entity increases as proposed by more than a factor of 6 it is likely the resulting costs will scale to a level that is far beyond the capabilities of the Observatories to finance alone. If this is truly the plan additional sources of funding need to be identified and developed well in advance of implementing this plan.
2. Also of concern is the 3-year timeline to organize, test and fund a new government entity, which is too short. This poses a significant risk to the development of any new set of subleases for the observatories as well as management of the Mauna in general. If this is also part of the final plan, there needs to be a contingency plan in place for the possibility that this entity is not operational in 3 years. That contingency plan needs to

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ensure that all Maunakea stakeholders can continue in their endeavors while the new governing entity is becoming functional.

Again, I would like to thank the committee members, and Speaker Saiki for organizing this working group, which I think is a necessary and fruitful first step to bring the community together on Maunakea.

Sincerely,

Andy Sheinis

Dr. Andy Sheinis, Interim Executive Director
Canada France Hawaii Telescope
65-1238 Mamalahoa Highway
Kamuela, HI 96743
808 885-3136
sheinis@cfht.hawaii.edu

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From: [Nicole Shelby](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on governance of Mauna Kea
Date: Tuesday, January 4, 2022 8:26:51 AM

Hi! I am writing to register my support for the position of KAHEA: The Hawaiian-Environmental Alliance in regards to the recent report released by the governor's working group on management of Mauna Kea.

KAHEA has submitted their comments, which highlight the following three major issues:

1. The Recommendations helpfully recognize existing issues, but entrust resolution to a Governor-appointed Entity
2. There is no framework to implement traditional kānāwai
3. The Governor would still have the power to appoint nearly all the members of the Governing Entity

As an ally standing with the people of Hawaii, I am asking that you discontinue development on Mauna Kea and return the management of the sacred mountain to the people. As KAHEA writes in their closing:

"We hope that the Working Group deeply revises its recommendations to include: (1) significant, meaningful, and broad based community input prior to the introduction of any legislation; (2) removing the governor's power of appointment of nearly all the members of the Governing Entity; and, (3) honoring the traditional kānāwai by, first and foremost, prohibiting any further construction – including the Thirty-Meter Telescope – on Mauna Kea."

Thank you,
Nicole Shelby of Berkeley, California

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From: [John Sillasen](#)
To: [Mauna Kea Working Group](#)
Subject: MKWG Draft Report of December 17, 2021 - Comments
Date: Tuesday, January 4, 2022 12:20:04 PM

This draft proposal has shaken me to the core. It seems so one sided and just the antithesis of what made Hawaii the great 50th state.

With the core of members being native Hawaiian, it is so, so lopsided as to literally being Anti-American.

When I first visited Hawaii in 2000, my goal was to visit the summit of Maunakea. To view this great natural resource and visit with the fantastic achievements in science, ecology and Astronomy that made the last Hawaiian Chief want to be part of the plan to further understand our place in the Universe.

That very first year, I ended up volunteering at the Onizuka Center for International Astronomy at the Maunakea Visitor Information Station. Subsequently, I became a registered volunteer and summit tour leader. When performing nightly star tours, we were required and rightly so to provide stories that include Native Hawaiian Legends of the constellations. We also made a point to share with the visitors Hawaiian terms for the cardinal points of directions and star names. I felt, and the feedback we received both orally and in writing, we were doing the public and Hawaiian Culture a great service.

This draft policy appears to nullify all of our accomplishments. I befriended a Native Hawaiian Chief who worked on the Mountain. He told of times before the UH stewardship where Native boys and young men would rip up the land with 4x4s and snow devices leaving their garbage, beer cans and stain behind.

We cannot return to those days where angry, anti-American rhetoric that wish to return Hawaii to a Monarchy again rule this lovely Mountain.

Please, do not pass this draft. It is too one-sided and ruins the economic gains and scientific knowledge that Astronomy has brought to this great state. Astronomy has benefit so many on the islands. Its created jobs, a plethora of community outreach programs and educational enhancements to the younger populations there.

Sincerely submitted by,

John Sillasen

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From: [Barbara Small](#)
To: [Mauna Kea Working Group](#)
Subject: Response to Mauna Kea Working Group Report Draft
Date: Tuesday, January 4, 2022 4:27:13 PM

Aloha, Mauna Kea Working Group.

Thank you for investing your time and expertise to ensure robust stewardship of Mauna a Wākea.

I have a few points of feedback.

1. A representative from the observatories should be a member of the group comprising the Governing Entity. The observatories have a keen interest in the welfare of the mountain, significant investment in its care, and expertise specific to the current conditions on the summit.
2. I am concerned about allowing nominations of the three cultural practitioners to come only through the Office of Hawaiian Affairs. Since OHA members are elected, they might select nominees who benefit their reelection campaigns rather than cultural practitioners whose views are valid and important but not politically expedient. There is no single, monolithic Native Hawaiian perspective, and tying nominations to a political organization could limit the variety of perspectives cultural practitioners hold about how Mauna a Wākea should be managed.
3. The governing entity is supposed to have three years to assume its full management role. Considering the pace of legislation and administrative processes, and the likelihood of lawsuits, it is reasonable to assume that the soonest the governing entity would be ready to finalize its management role would be well after the observatories would need to begin their decommissioning processes if master lease is not extended, at least temporarily, in the meantime. That would leave the fate of the observatories - and all they mean to Hawaii and Hawaii Island specifically, not to thoughtful decision making, but to "running out the clock."
4. "...the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state." Does that mean that the Governing Entity's goal is to remove all astronomy from the mountain? That would be catastrophic to the present and future of Hawaii in myriad ways.
5. "... the Governing Entity shall determine an appropriate site for an entryway to Mauna a Wākea." Do you mean access specifically to the summit or for all of the mountain above the 6,500' level.
6. What is your source for the height of the mountain? USGS says it is 13,796. That is the number I was always told.
7. Lastly, I recommend getting an outside proofreader to review the grammar and punctuation, e.g., "less vs. fewer," commas, etc.

Thank you again for your investment in the care of our beloved mountain.

Sincerely,
Barbara Small
Hilo, Hawaii
Email: barbara.e.small@gmail.com
Mobile: 865-414-1641

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From: [Takami Hideki](#)
To: [Mauna Kea Working Group](#)
Cc: [Takami Hideki](#)
Subject: Comment to Maunakea WG
Date: Tuesday, January 4, 2022 7:09:30 PM

Dear Sir

I work at the Subaru Telescope, which was built by Japan and has been in operation since 1999. The telescope has been producing many discoveries in astronomy, thanks to the best seeing and weather conditions for astronomy in the world. I am very grateful to the people of Hawaii for their long support to the Subaru Telescope. We believe that the discussion of Mauna Kea Working Group is very important for the future of Maunakea which is the sacred site for people in Hawaii, great natural environment, and also excellent science site. We think it is important to include wide variety of people related to Maunakea. We hope that astronomers also to be involved in the discussion for the future of Maunakea.

Thank you
Hideki Takami

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From: [Alan Tokunaga](#)
To: [Mauna Kea Working Group](#)
Subject: comments on the MKWG draft report
Date: Tuesday, January 4, 2022 10:03:53 AM

The Mauna Kea Working Group report is beneficial in presenting a clear explanation of the relationship of all natural things in native Hawaiian culture. It is something that should be valued and understood by everyone in the state. However I do not think that this necessarily means that all astronomical activities on Mauna Kea should be stopped, as would be the case if the recommendations of the MKWG are adopted by the Legislature.

The Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan concluded that the University of Hawaii has effectively implemented most of the management actions expected by the UH Board of Regents. However the UH did not meet the expectations in fully engaging with the native Hawaiian community. Could the Legislature provide annual oversight over the UH regarding the concerns of native Hawaiian community? Would this be a more rational and cost-effective approach since the Center for Maunakea Stewardship already addresses the issues that any Governing Entity would need to handle?

In order to continue to have astronomy thrive in the State of Hawaii it will be necessary to have a new master lease approved. The recommendations of the MKWG will make it impossible to achieve this in a timely fashion. If there is no new master lease, then the decommissioning activities will have to begin well before 2033. A critical question is then: "Does the State of Hawaii want to have astronomy in Hawaii which is a high tech industry providing international scientific leadership?"

Although the MKWG report is concerned with the stewardship of Mauna Kea lands and our values and relationships to nature, I feel that these principles should apply to all areas of human activity within the state. In this sense, all citizens of our state can benefit by looking at the broader issues beyond astronomy on Mauna Kea. Is it reasonable to apply these principles only to astronomy on Mauna Kea? Should the Legislature look beyond the astronomy issues and continue the discussion with the native Hawaiian community of what is pono for everyone?

Thank you for considering these comments.

Alan Tokunaga

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From: [Robin](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Keep the current management of the Mauna Kea summit.
Date: Tuesday, January 4, 2022 1:21:57 PM

Dear representatives,

In 2018 I submitted the following testimony to Senator Theilen on SB 3090 addressing the issue of UH management of the Mauna Kea summit. They are still relevant to HR33 HD1.

"The Office of Mauna Kea Management was recently awarded the Kona Kohala Chamber Of Commerce's Pualu Award for Environmental Awareness and Historic Hawaii Foundation's Preservation Commendation Award. As advised by their Kahu Ku Mauna, the OMKM has effectively cataloged and protected cultural resources on Mauna Kea. OMKM requires all observatory employees and all employees of the Institute for Astronomy to undergo cultural training."

"Last year, the Governor ordered the University of Hawaii to reduce the number of telescopes on Mauna Kea while allowing the Thirty Meter Telescope to be built, among other conditions. The University has wholeheartedly received all his recommendations. At least two telescopes are now in decommissioning planning."

I'd like to now add the following comments about HR33 HD1:

The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

Thank you for your consideration,
Robin Uyeshiro

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From: [Mehana Vaughan](#)
To: [Mauna Kea Working Group](#)
Subject: Comments...
Date: Tuesday, January 4, 2022 4:01:49 PM

Aloha mai kākou,

I write to thank you all, members of the Mauna Kea Working group for your draft report dated December 17th. As a faculty member in natural resource management, focusing on collaborative efforts between state and community partners, I find the report and your effort to be exemplary. I will teach it as an example in classes this spring. First, the foundation in Hawaiian wisdom and relations with the mauna is unparalleled, extending not only into ecological and cultural aspects of management, but the very structure of the management entity. Too often, we strive to govern vital places in our Hawai‘i using organizational structures which don’t fit. The emphasis on Mauna Kea as a vital source of water is critical, and much stronger in this report than in past management plans and efforts. Finally, the emphasis on creativity, innovation and ongoing discovery plays a crucial and appreciated role. The document is concise, accessible, and extremely well written. It honors both Hawaiian and western scientific knowledge. It is reflective of your collective expertise, thoughtfulness and extensive commitment of time to craft a path forward deserving of Mauna a Wākea. Mahalo pālena ‘ole,

Mehana Vaughan

Dr. Mehana Blaich Vaughan
Associate Professor

Department of Natural Resources and Environmental Management,
Sea Grant College Program and Hui ‘Āina Momona
University of Hawai‘i at Mānoa
1901 East West Center Rd.
Honolulu, HI 96822

Author of Kaiāulu, Gathering Tides
Oregon State University Press 2018

[Kipukakuleana.org](https://kipukakuleana.org)
<https://calendly.com/mehanavaughan/meeting>
<https://calendly.com/mehanavaughan/advising>

Ola i ke ahe lau makani...
There is life in a gentle breath of wind...

APPENDIX D

From: [Cam Wipper](#)
To: [Mauna Kea Working Group](#)
Subject: Comments in Response to the Maunakea Working Group's Draft Report
Date: Tuesday, January 4, 2022 3:15:38 PM
Attachments: [C. Wipper - MKWG Report Comments.pdf](#)

Aloha,

Enclosed below are my comments in response to the Maunakea Working Group's Draft Report.
(PDF also attached).

Mahalo for the opportunity to submit this feedback.

Cam Wipper
Pepeekeo, HI

MKWG Report Comments

The Maunakea Working Group draft report, published December 17, 2021, contains some interesting ideas for the future management of the mountain, but also contains several concerning proposals surrounding the use and access of the mountain. Additionally, the proposed management structure of the Governing Entity does not, despite the stated intent of the Working Group, appear to be very "collaborative" or "sensitive to diverse perspectives" (page 17). In actuality, the Governing Entity appears to be specifically designed to exclude particular voices.

Starting with the latter concern first, the proposed structure of the Governing Entity contains no representative for the people of Hawai'i Island. This is a glaring oversight. Tens of thousands of kama'aina live, work, and play on the slopes — and summit — of Maunakea. As proposed, the Governing Entity would have no one to represent their interests. This is plainly undemocratic and if the Governing Entity was allowed to exist in this form would mean that the most diverse set of perspectives possible would not have a voice. It should be noted, that the Kaho'olawe Island Reserve Commission (KIRC), which was apparently presented as a governance model to the Working Group, contains a commissioner from the County of Maui, who serves as the County's — and by extension, the citizens of Maui, Lana'i, and Moloka'i's — representative on the commission. If the citizens of Maui County have a representative on the KIRC, which manages an island with a tiny fraction of the use and development that Maunakea has, it is unquestionable that citizens of Hawai'i County deserve the same for Maunakea. Any Governing Entity must include a representative from Hawaii County to represent the citizens of Hawai'i Island.

In addition to the lack of representation on the Governing Entity for the citizens of Hawai'i Island in general, there is also a lack of representation for the astronomy community, in particular. This proposal, apparently controversial even among the Working Group, should not be allowed to stand. The stated reason for this omission — "concerns about potential conflicts of interest" (page 21) — is logically preposterous. This implies that a Native Hawaiian cultural practitioner would have no conflicts of interest, but that an astronomy representative would. This would only be true if the Governing Entity was mandated to have an 'agenda' that was summarily opposed to astronomical use of the summit area. Unfortunately, despite the stated intent to be "collaborative" or "sensitive to diverse perspectives", and a mandate from the Legislature "for a new governance and management structure for [Maunakea] that collaboratively engages with all stakeholders" (page 15), this appears to be the case (see page 25).

On the other hand, if the Governing Entity was truly mandated to "collaboratively engage ... all stakeholders", there should be no concerns about conflicts of interests, as the potential for divergent opinions and views on certain topics would be seen as an asset to Governing Entity, allowing it to make informed and educated decisions based on the complete set of facts and information brought from all sides any potential debate. Full representation of all parties, is, along with robust debate, hallmarks of democracy. This encourages compromise and, ultimately, agreements acceptable to the majority (though likely not all) of the parties. Without this, misinformation can be presented as fact. An example of this is seen on page 26, which states, "The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku ...". This statement implies that astronomy is a 'commercial use', which is simply untrue. Such misunderstandings regarding the nature of the astronomical facilities on Maunakea are common, and are why a representative of the astronomical community on Maunakea should be considered essential to the proposed Governing Entity.

Finally, onto concerns surrounding use and access of the mountain. A very concerning passage is contained on page 26, *The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance. Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the*

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impacts of recreational use over time.

A footnote on the same page then notes,

... [B]ona fide practitioners should not be unduly burdened from exercising their constitutionally protected Native Hawaiian practices and, when setting up its access processes, the Governing Entity should consider what process should specifically apply for constitutionally protected practitioners.

While it is absolutely true that constitutionally-protected cultural practices should be unencumbered by any sort of administrative limitations, this proposal, though well-intentioned, invites very difficult questions, particularly regarding enforcement of the provision. For example:

- How is a constitutionally-protected cultural practice identified on site?
- Who makes the determination on site?
- How are disputes settled? On-site? Off-site?

Currently this issue is effectively moot as access above the 9,200-foot level is open and free to all, with restrictions only based on health and safety (inclement weather, 4WD vehicles, etc). If a user fee is implemented, this would no longer be the case if, say, constitutionally-protected cultural practices are exempt from a user fee. Constitutionally-thorny questions such as these are already dealt with around the state and country. While not listed as references or models in the report, the DLNR's State Park system or the National Park Service undoubtedly deal with these issues regularly. Should a path like the proposed above be implemented, organizations such as these should be consulted. If implemented without consultation, or without consideration for such questions, it's easy to imagine use or access restrictions that boil down to race, ethnicity, or national origin delineations — all of which are obviously illegal under state and federal law.

In conclusion, as described above, the recommendations of the report simply do not achieve the task laid out by the Legislature. The proposals in the report seem to be neither the result of “collaborative engage[ment] ... [of] all stakeholders”, nor “sensitive to diverse perspectives”. Instead, they seem to represent the views of a particular segment of the population. As a result, the proposed Governing Entity has been designed so that certain disparate and countervailing views and ideas can potentially be suppressed and ignored. The Legislature of the State of Hawai'i, which represents all citizens of the state, should not allow such an entity to come into existence.

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MKWG Report Comments

Cam Wipper Pepeekeo, HI

The Maunakea Working Group draft report, published December 17, 2021, contains some interesting ideas for the future management of the mountain, but also contains several concerning proposals surrounding the use and access of the mountain. Additionally, the proposed management structure of the Governing Entity does not, despite the stated intent of the Working Group, appear to be very “collaborative” or “sensitive to diverse perspectives” (page 17). In actuality, the Governing Entity appears to be specifically designed to exclude particular voices.

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In addition to the lack of representation on the Governing Entity for the citizens of Hawaiʻi Island in general, there is also a lack of representation for the astronomy community, in particular. This proposal, apparently controversial even among the Working Group, should not be allowed to stand. The stated reason for this omission — “concerns about potential conflicts of interest” (page 21) — is logically preposterous. This implies that a Native Hawaiian cultural practitioner would have no conflicts of interest, but that an astronomy representative would. This would only be true if the Governing Entity was mandated to have an ‘agenda’ that was summarily opposed to astronomical use of the summit area. Unfortunately, despite the stated intent to be “collaborative” or “sensitive to diverse perspectives”, and a mandate from the Legislature “for a new governance and management structure for [Maunakea] that

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collaboratively engages with all stakeholders” (page 15), this appears to be the case (see page 25).

On the other hand, if the Governing Entity was truly mandated to “collaboratively engage ... all stakeholders”, there should be no concerns about conflicts of interests, as the potential for divergent opinions and views on certain topics would be seen as an asset to Governing Entity, allowing it to make informed and educated decisions based on the complete set of facts and information brought from all sides any potential debate. Full representation of all parties, is, along with robust debate, hallmarks of democracy. This encourages compromise and, ultimately, agreements acceptable to the majority (though likely not all) of the parties. Without this, misinformation can be presented as fact. An example of this is seen on page 26, which states, “The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku ...”. This statement implies that astronomy is a ‘commercial use’, which is simply untrue. Such misunderstandings regarding the nature of the astronomical facilities on Maunakea are common, and are why a representative of the astronomical community on Maunakea should be considered essential to the proposed Governing Entity.

Finally, onto concerns surrounding use and access of the mountain. A very concerning passage is contained on page 26,

The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance. Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time.

A footnote on the same page then notes,

... [B]ona fide practitioners should not be unduly burdened from exercising their constitutionally protected Native Hawaiian practices and, when setting up its access processes, the Governing Entity should consider what process should specifically apply for constitutionally protected practitioners.

While it is absolutely true that constitutionally-protected cultural practices should be unencumbered by any sort of administrative limitations, this proposal, though well-intentioned, invites very difficult questions, particularly regarding enforcement of the provision. For example:

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user fee is implemented, this would no longer be the case if, say, constitutionally-protected cultural practices are exempt from a user fee. Constitutionally-thorny questions such as these are already dealt with around the state and country. While not listed as references or models in the report, the DLNR's State Park system or the National Park Service undoubtedly deal with these issues regularly. Should a path like the proposed above be implemented, organizations such as these should be consulted. If implemented without consultation, or without consideration for such questions, it's easy to imagine use or access restrictions that boil down to race, ethnicity, or national origin delineations — all of which are obviously illegal under state and federal law.

In conclusion, as described above, the recommendations of the report simply do not achieve the task laid out by the Legislature. The proposals in the report seem to be neither the result of “collaborative engage[ment] ... [of] all stakeholders”, nor “sensitive to diverse perspectives”. Instead, they seem to represent the views of a particular segment of the population. As a result, the proposed Governing Entity has been designed so that certain disparate and countervailing views and ideas can potentially be suppressed and ignored. The Legislature of the State of Hawai'i, which represents all citizens of the state, should not allow such an entity to come into existence.

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From: [Gregory Barrick](#)
To: [Mauna Kea Working Group](#)
Subject: Comments on the Mauna Kea Working Group Plan
Date: Wednesday, January 5, 2022 9:40:48 AM

My apologies for the lateness of this reply. I had a bad link to the comments email address for this report. My comments, sent yesterday, are below.

My name is Greg Barrick and I have been a resident on Hawaii Island for the past 30 years; 13 years in Waikoloa Village and 17 years in Waimea. I have worked at the Canada-France-Hawaii Telescope Corporation (CFHT) for my entire time in Hawaii and spend roughly half of my working time (2-3 days a week) on the summit of Mauna Kea. As such, the management of Mauna Kea affects me deeply.

I read the draft report generated by the Mauna Kea Working Group and thought I would add some of my comments, as a private citizen and not as a representative of CFHT, on the report.

First, I would like to thank the committee for putting this report together as I agree that movement forward on the Mauna Kea issue is essential.

I would also like to say that I agree with the basis of the report. Protecting the environment of the mauna is essential for all in our island community and balancing the needs of all stakeholders is what we all want. Those of us who work for the observatories live here too.

I was happy to see that the report indicates a future for astronomy on Mauna Kea as it is, without a doubt, one of the best (probably the best) sites for ground-based astronomy in the world. I was, however, a little dismayed that a representative of the astronomy community would not be on the proposed new governing board.

Given that astronomy is currently a major stakeholder on Mauna Kea, I feel it is necessary that this community be given some representation on the governing board proposed. This does not need to be an astronomer; in fact it might be better if it were not. Someone involved with the day-to-day operations of an observatory would likely be better able to represent the needs of the observatories. This position, as with the other members of the new board, could also give priority to local and native Hawaiian candidates and there are a number of qualified employees at the observatories that meet this criteria.

I think the same holds true for the tour operators as well. In the past several years, tour groups going to the summit of Mauna Kea have become major users of the mauna and should have some representation in how it is managed.

In the report, it was mentioned that the current management of Mauna Kea (OMKM) does not engage enough with the Hawaiian community. However, in my 30 years at CFHT, I have seen a dramatic increase in the amount of engagement and I know that Hawaiian groups are consulted on all major decisions. I think at least part of the perception of a lack of engagement by OMKM is that all Hawaiian groups interested in Mauna Kea are not routinely consulted on the management.

As the native Hawaiian community is not monolithic in its beliefs and goal for the mauna, it

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is necessary that a broad cross section of the native Hawaiian community be consulted. The report makes no mention of how the new board will insure that the management will be representative of all of the Hawaiian community. If this point is not clarified, I fear that the new board will be doomed to failure.

Finally, it is not clear to me why a new management board is even necessary. I realize that this report is meant to prompt new legislation regarding the management of Mauna Kea, but it seems to me that more consideration should be given to maintaining the current management, with modifications as needed, instead of starting from scratch.

As stated in the report, OMKM has carried out much of what was laid out in the Comprehensive Master Plan. They have done a very good job of maintaining the common facilities, cataloging and protecting the cultural sites, and providing safe access to all. It is likely that they could have done even better if they had had some authority (enforcement power) to go with their responsibilities.

Improvements can always be made, but to me this indicates that a tweak is in order, not a full replacement. A full replacement would likely be expensive and highly disruptive to everyone who uses the mauna, even with the 3 year transition period called for in the report. Such a large-scale restructuring should only, in my mind, be done when absolutely necessary.

Thank you very much for providing me with an opportunity to provide feedback on this important document. I hope that my comments are helpful and constructive.

Mahalo,
Greg Barrick

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From: [Steve Colon](#)
To: [Mauna Kea Working Group](#)
Subject: Testimony comments
Date: Wednesday, January 5, 2022 2:19:17 PM

Aloha and thank you for allowing me to submit comments on this issue. I have reviewed the Mauna Kea Working Group report. While I appreciate the hard work done by the committee, I am completely against changing the current structure.

I believe UH has been unfairly criticized for the current situation. I support UH's continued management of Mauna Kea. I also support astronomy in Hawaii and on the big island.
Thank you and aloha
Steve

Sent from my iPad

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From: [Maureen Garry](#)
To: [Mauna Kea Working Group](#)
Subject: Fwd: Please continue UH management of Mauna Kea
Date: Wednesday, January 5, 2022 4:10:01 PM

Aloha,

My comments were submitted on time but to the wrong address!

I hope they can be recorded as support for continuing UH management of Mauna Kea.

Mahalo,

Maureen Garry

Begin forwarded message:

From: BOR Testimony <bor.testimony@hawaii.edu>
Subject: Re: Please continue UH management of Mauna Kea
Date: January 5, 2022 at 8:52:20 AM HST
To: Maureen Garry <mogarry8@gmail.com>

Aloha,

The Mauna Kea Working Group that you are commenting on was established by the House Resolution No. 33, H.D. 1. The University of Hawaii administration and Board of Regents have a separate task group. I hope this helps.

Mahalo,
Christine
Office of the Board of Regents



On Tue, Jan 4, 2022 at 11:42 AM Maureen Garry <mogarry8@gmail.com> wrote:

This was meant for the Board of Regents. I understand today is the deadline for submission.

Please advise.

On Jan 4, 2022, at 8:56 AM, BOR Testimony
<bor.testimony@hawaii.edu> wrote:

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Aloha,

It appears that your comments were intended for the Mauna Kea Working Group, but have been sent to the Office of the Board of Regents of the University of Hawaii. In order for your comments to be recorded by the Mauna Kea Working Group please resubmit to maunakeaWG@capitol.hawaii.gov. Thank you for your understanding.

Mahalo,
Christine
Office of the Board of Regents



On Mon, Jan 3, 2022 at 5:19 PM Maureen Garry
<mogarry8@gmail.com> wrote:

Aloha,

I commend the Mauna Kea working group for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent this effort continues on, I have the following comments:

1. The report currently proposes excluding the astronomy industry from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the

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astronomy industry deserves a vote on the management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

2. The report should explicitly state that if this plan is adopted, the protesters will agree not to protest against the Thirty Meter Telescope.

3. The report seems to slip in, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

4. All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

5. All mention of "Mauna a Wakea" should be excised from this report. Mauna Kea is not named Mauna a Wakea and claims to the contrary are not supported by fact. This taxpayer-hosted document should not continue to push this false narrative.

Mahalo nui loa,

Maureen Garry
Waikoloa Village
Big Island

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Thanks,

Maureen Garry

Thanks,

Maureen Garry

Thanks,

Maureen Garry

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Richard E Griffiths
12-7216 Mauka Nui St
Pahoa
HI 96778

Rep. Mark M. Nakashima, Chair
House of Representatives
State of Hawai'i
State Capitol
Honolulu, HI 96813

Subject: Maunakea Working Group draft report comments

Dear Rep. Nakashima and members of the Maunakea Working Group,

As a constituent of the state and county of Hawai'i, I am writing to express my strong objections regarding the draft report of the so-called Maunakea Working Group.

With the exception of juvenile school-student reports, I have never read such an ill-conceived and badly worded report, which pretends to be about the management of state lands on MaunaKea but contains no plan and no management structure. The document seems to be mainly concerned about religion rather than culture or science or management of such a precious resource. As such, the document clearly violates the separation of church and state. In contrast, the report prepared on behalf of the University of Hawaii is a carefully conceived, highly respectful and fully appropriate report for the continuation of the University's management of MaunaKea, especially the Astronomy Precinct.

The MaunaKea working group was apparently given a somewhat challenging task - finding an alternative governing model for MaunaKea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the only management failure has been the State's failure to enforce the law and arrest protesters unlawfully blockading the MaunaKea Access Road to prevent the construction of the Thirty Meter Telescope, the most advanced telescope in the world. The creation of any new governing entity is completely unnecessary and inappropriate and would merely serve to delay TMT and the renewal of the lease that governs the telescopes. This is, of course, the protesters' objective, but it should not be the State of Hawaii's objective, and it is certainly not the objective of the people of Hawai'i. This new governance model 'proposal' should be completely abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent that this sidelining effort continues on, I have many major objections, of which the following are representative:

1. The report currently proposes to exclude the astronomy community from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide hundreds of millions of dollars in investment and jobs to our economy. At a minimum the astronomy community deserves a vote on the management

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structure of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both. Given the unchallenged success of the Observatories over the past 65 years, the astronomy and science communities should have at least a half of the votes if not a majority.

2. The report surreptitiously includes, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is quite far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is clearly unacceptable to the astronomy community in Hawaii, on the mainland of the USA and around the world. No zoning changes should be made that would endanger the scientific pursuit of astronomy on Mauna Kea.

3. Any and all implication that Mauna Kea is "sacred" to Native Hawaiians is inappropriate and should be removed from the report. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. The ali'i abolished the kapu religion over 200 years ago and the State constitution prohibits the government from establishing a religion. One could argue, with far greater justification, that Mauna Kea is sacred to the science of astronomy.

4. Further, any mention of "Mauna a Wakea" is entirely inappropriate. Mauna Kea is not named 'Mauna a Wakea' and claims to the contrary are not supported by fact. This tax-payer-hosted document should not continue to push this false narrative, unless we live in a world of 'alternative facts'.

Once again, I would reiterate that there is a separation of church and state in the United States of America. And anyway, there are no certainly gods on MaunaKea.

5. The report fails to recognize the significant efforts the University has already made to address the concerns regarding "*education and outreach aimed at restoring trust between the University of Hawai'i and the Native Hawaiian community*". As such, the report does not effectively describe or propose how a new governing entity will be able to fulfill / achieve these same responsibilities that the University—despite its many successful engagement programs—is considered unable to achieve.

6. 'Imiloa is a University entity that was established exactly for this purpose: "dedicated to serving local and visitor communities through quality education programs strengthened by the core academic offerings of UH Hilo". UH Hilo and Imiloa programs and services include, but are not limited to: PreK-12 grade programs, after school programs, day camps, Hawaiian language and culture-based enrichment programs that focus on local science research, cultural advancement and environmental stewardship. Imiloa was recently cited in the National Academy of Sciences' Decadal Review of Astronomy and Astrophysics as an outstanding example of the efforts to unite astronomy with local culture and practices. 'Imiloa brings together members of the Hawaiian and astronomy communities to share a common vision for the future, bringing information about the cultural and natural history of

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Maunakea to students, teachers, our local residents, and visitors from around the world. ‘Imiloa has strengthened links to early Polynesian navigation history and knowledge of the night skies, as well as today’s renaissance of Hawaiian culture and wayfinding with parallel growth of astronomy and scientific developments on Hawaii Island.”

7. At UH Hilo and Mānoa, the University astronomy community is one of the most active in regards to community outreach (e.g. AstroDay, Onizuka Day, Lacy Veach Day, UAC events, Open House events, significant astronomical events - solar eclipse, etc.)

8. There were two sub-groups (Native Hawaiian Culture and Astronomy subgroups) created to address the tasks of the MWG, namely to address the concern: *“The lack of genuine consultation with the Native Hawaiian community”*

Despite the clearly stated need for increased consultation and dialogue between the astronomical and Native Hawaiian communities, the MWG itself was unable to facilitate such dialogues during their meetings, and makes it unclear whether the working group framework would be able to facilitate and enable such critical consultation between these two communities. The report contains no plan for doing this and the MWG members seem completely disinterested in doing so.

Furthermore, the working group itself was unable to reach consensus regarding management of astronomical facilities, and it is completely unclear how the proposed list of stakeholders will be able to come to a consensus on management policies nor how a potential impasse would be resolved. The report contains no plan and no management structure.

9. The report alludes to restoring Maunakea to its ‘natural state’, but does not define what ‘natural state’ means. This leaves unanswered many questions about the ability to continue scientific (be it astronomical, conservation or other) endeavors, cultural practices and/or recreation activities that are currently enabled by the road and the access to higher elevation and summit regions that the road affords.

10. With its lack of details and risk analysis, the report creates a problematic climate of uncertainty related to the near-future scientific and educational activities linked to Maunakea. In particular: within the astronomy community around the world, ground-based observatories remain fundamental to that science. The current ensemble of Maunakea Observatories is the most productive in the world, not only adding prestige to the State of Hawaii, but also providing a significant economic and educational impact. This impact is not acknowledged in the report; on the contrary, the goal seems to be the eventual removal of all facilities. The loss of world-class astronomical facilities on Maunakea would be a deep loss for the State of Hawaii, and for all of astronomy in the USA and worldwide. There have been so many discoveries using the facilities on Maunakea that it is difficult to imagine the state of astronomy today if telescopes had not been built on Maunakea.

11. Research activities on Maunakea provide numerous STEM educational activities, for hundreds of students across the State of Hawaii. At UH Hilo alone for instance, opportunities for students arise in fields like evolutive biology, ornithology, volcanology, astronomy, engineering, geology, robotic space exploration, botany, hydrology, environmental science, ecology, climate change, etc. As mentioned above, the uncertainty surrounding the future access to the mauna and the potential loss of the observatories as described by the report could have a very negative impact on these opportunities, more so if local or federal research funding related to such STEM are affected due to an unsound management structure.

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Mahalo nui loa,

Sincerely,

RICHARD GRIFFITHS

Richard E. Griffiths

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From: [Matthew Gurewitsch](#)
To: [Mauna Kea Working Group](#)
Subject: House Mauna Kea Plan falls short/UH management should continue under proposed UH plan
Date: Wednesday, January 5, 2022 9:18:56 AM

Aloha!

I realize that this testimony was due by 4:30 pm yesterday. I apologize for the late submission but hope it will still be possible for you to read and consider it. I've been a full-time resident of Maui since 2011 and have a deep interest in this matter. Mahalo.

Kudos to the Mauna Kea working group for attempting the impossible. I do not believe there is any governing model that will pass muster with the TMT protesters, who have for some time placed themselves outside the law in opposition to the rest of the State of Hawaii. The State of Hawaii must not bow to their illegal blockage of the Mauna Kea Access Road. It is of vital importance to the future of our keiki, our environment, our economy, and the conduct of State business that the TMT project go forward. In my view, the new proposed plan and structure put forward by UH deserves your full support. The Mauna Kea Working Group draft report, however well intentioned, should be scrapped in its entirety.

If, however, the draft report remains on the table, I urge you to address the following shortcomings and issues.

1. The astronomy industry must have a vote in the management of Mauna Kea, through the Mauna Kea Observatories Group as well as through UH—that's two votes, please. We are talking about the entities that maintain the access road and inject billion in much-needed green investment into our economy, helping diversify us away from an economy overdependent on tourism and overexploitation of our aina.
2. The protesters must agree to cease and desist with their protests against TMT. They've had their say. The law is against them and the majority of the Hawaiian population (including the native population) is against them. The tyranny of the minority must cease.
3. References to HRS 183 (which addresses forest reserves) and HRS205A (dealing with Coastal Lands) have no place in a document addressing management of the summit of Mauna Kea, which is above the tree line and far from the coast. These references are Trojan horses for future zoning shenanigans to impede the astronomy industry. These disingenuous references must not stand.
4. With all due respect to those who proclaim the "sacred" status of Mauna Kea, Mauna Kea is not sacred as a Native Hawaiian matter. The ali'i abolished the kapu religion over 200 years ago, and our Constitution prohibits the government from establishing a religion. The opinion or belief that Mauna Kea is sacred is a private matter, by no means shared by all or even the majority of Native Hawaiians.
5. What's with "Mauna a Wakea"? Whatever the hidden agenda is in promulgating this name, it should not be indulged in document funded by tax payers. It's partisan propaganda.

APPENDIX D

6.

Mahalo nui loa for your attention.

m.

Matthew Gurewitsch
[3415 Kuaua Pl.](#)
Kihei (Maui) HI 96753

t/+1 [\(808\) 874-8925](#)
fx/+1 [\(212\) 656-1647](#)

on the web: beyondcriticism.com
on skype & twitter: mg1228

Sent from my iPhone

APPENDIX D

From: [Sarah Kamakawiwo'ole](#)
To: [Mauna Kea Working Group](#)
Cc: [Sheri Daniels](#); [Kim Birnie](#)
Subject: Draft Report Comments
Date: Wednesday, January 5, 2022 8:51:36 AM
Attachments: [Mauna Kea Working Group Draft Report - Papa Ola Lokahi Comments.pdf](#)

Aloha kākou –

Please see attached comments from Papa Ola Lōkahi. Mahalo for the opportunity to provide feedback.

Warmly,
Sarah Kamakawiwo'ole

APPENDIX D



Papa Ola Lokahi

894 Queen Street
Honolulu, Hawaii 96813

Phone: 808.597.6550 ~ Facsimile: 808.597.6551

MAUNA KEA WORKING GROUP

Hawai'i State Legislature

Rep. Mark M. Nakashima, Chair
maunakeaWG@capitol.hawaii.gov

He Lā Hou Kēia Ma Mauna A Wākea: A New Day on Mauna A Wakea **Mauna Kea Working Group Draft Report, December 17, 2021**

Papa Ola Lōkahi

is a non-profit Native Hawaiian organization founded in 1988 for the purpose of improving the health and well-being of Native Hawaiians and other native peoples of the Pacific and continental United States.

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Hawai'i State Department of Health

Nā Pu'uwai

Office of Hawaiian Affairs

Executive Director

Sheri-Ann Daniels, EdD

Mahalo for your work and thoughtful recommendations on the stewardship and governance of Mauna Kea. The meaningful inclusion of Native Hawaiian loea into the oversight of natural resources in Hawai'i is integral to the well-being of Native Hawaiians – past, present, and future. *He Lā Hou Kēia Ma Mauna A Wākea: A New Day on Mauna A Wakea* ("the Draft Report") provides the foundation for natural resource management grounded in generational Hawaiian 'ike that remains relevant, applicable, and valuable for contemporary guidance.

The mission of Papa Ola Lōkahi is to improve the health status and wellbeing of Native Hawaiians and others by advocating for, initiating and maintaining culturally appropriate strategic actions aimed at improving the physical, mental and spiritual health of Native Hawaiians and their 'ohana (families) and empowering them to determine their own destinies. As POL's effectiveness has been tied to Western metrics and addressing social determinants of health, we must acknowledge the *Native Hawaiian Study Commission* (1983), the *E Ola Mau Native Hawaiian Health Needs Assessment* reports (1985), and numerous other groundbreaking reports that have underscored the importance of cultural and spiritual relationships to the natural elements and sense of place, and shared values. This concept has been demonstrated through numerous health-oriented initiatives in lo'i, fishponds, in the forest, and in wahi kapu, sacred places, such as Kanaloa Kaho'olawe.

Similarly, the health of kānaka maoli is inextricable from the health of Mauna Kea and other natural features in Hawai'i under threat. POL supports the recommendations of the Mauna Kea Working Group to establish maui ola in this space. We stand in support of the proposed Governing Entity developing Land Use and Cultural Use plans, similar to those implemented by the Kaho'olawe Island Reserve, as well as closely monitoring guidelines for commercial use, and setting aside the lands in public trust for a future sovereign Hawaiian entity.

The proposed innovations are really a return to ancestral wisdom and cultural practices. The basis of the Draft Report recommendations demonstrates what is needed throughout the pae 'āina: a commitment to tomorrow's preservation over today's profit, and the critical role of assuring Native Hawaiian voices in all levels of decision-making.

Mahalo for the opportunity to provide comments.

APPENDIX D

From: [Timothy O'Neill](#)
To: [Mauna Kea Working Group](#)
Subject: SST
Date: Wednesday, January 5, 2022 12:40:10 PM

I support the construction of the new telescope on Maura Kea. Civilizations must look forward. We want our children to benefit from the expansion of knowledge.

Tim O'Neill
Sent from my iPad

APPENDIX D

From: [Bob Zimberg](#)
To: [Mayor Roth](#); [Governor Ige](#); [Mauna Kea Working Group](#); [Sen. Laura Acasio](#); [Sen. Lorraine R. Inouye](#); [Sen. Joy A. San Buenaventura](#); [Rep. Greggor Ilagan](#); [Rep. Jeanne Kapela](#); [Rep. Mark Nakashima](#); [Rep. David A. Tarnas](#); [Rep. Richard Onishi](#)
Subject: Comments on the draft report from the Mauna Kea Working Group.
Date: Friday, January 7, 2022 2:22:19 PM
Attachments: [Mauna Kea Response 01042021.docx](#)

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Aloha,
Bob

Bob Zimberg

303.351.1517
bobzimberg@gmail.com

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APPENDIX D

Mayor Roth <Mitch.D.Roth@hawaiicounty.gov>
Governor Ige <david.y.ige@hawaii.gov>
Mauna Kea Working Group <maunakeaWG@capitol.hawaii.gov>
Senator Acasio <senacasio@capitol.hawaii.gov>
Senator Inouye <seninouye@capitol.hawaii.gov>
Senator San Buenaventura <sensanbuenaventura@capitol.hawaii.gov>
Representative Ilagan <repilagan@capitol.hawaii.gov>
Representative Kapela <repkapela@capitol.hawaii.gov>
Representative Nakashima <repnakashima@capitol.hawaii.gov>
Representative Tarnas <reptarnas@capitol.hawaii.gov>
Representative Onishi <reponishi@capitol.hawaii.gov>

Mitch Roth: <https://www.hawaiicounty.gov/our-county/mayor/comments-and-concerns>
Governor Ige: <https://governor.hawaii.gov/contact-us/contact-the-governor/>

Dear Sirs,

As a property owner on the Big Island of Hawaii for 17 years. I want to comment on the [draft report from the Mauna Kea Working Group](#). The idea of removing the telescopes by establishing a new Governing Entity that would “plan to return the Mauna above 9,200 feet elevation to its natural state.” This is against education and science and moving Hawaii backwards.

I love the telescopes on Mauna Kea. I’ve spent hundreds of nights at the MK visitors center. Viewing the stars is a highlight of my time on Hawaii. I miss the public telescopes at the Vis and all that was offered.

The astronomy community should be included in all these matters. I would like to see support for the 30-meter scope. The 30-meter most likely will be the last great visible spectrum scope build on planet earth.

A new plan should harness the energy of all participants, including the astronomy community and its funding, to restore and protect biodiversity in the area.

Please consider a new approach that balances (1) keeping great telescopes and supporting the 30 meter on the mountain and continuing to attract more scientists and engineers to Hawaii, (2) celebrating Hawaiian wayfaring, traditions, and cultural values, (3) actively restoring ecosystems and biodiversity in the area, and (4) planning for the next 100 years of shared success by increasing cultural and intellectual diversity in Hawaii.

Regards,
Bob Zimberg

Bobzimberg@gmail.com

APPENDIX D

From: [Russell Paio](#)
To: [Mauna Kea Working Group](#)
Subject: Maunakea Working Group's Draft Report of 12-7-21
Date: Wednesday, January 12, 2022 3:16:53 PM
Attachments: [Maunakea Letter.pdf](#)

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To Whom it May Concern,

See attached.

APPENDIX D



Office of the Kakaolelo Nui

Alii Chapter, Heiau O Na Alii

PO Box 1872

Kailua Kona, HI 96745

konakuauhau@gmail.com



maunakeawg@capitol.hawaii.gov

January 12, 2022

SUBJECT: Maunakea Working Group's Draft Report dated December 7, 2021

Aloha Kākou,

Kamehameha V created his Royal Decree of Authority on April 11, 1865, therefore declaring the creation of the Most Noble Order of Kamehameha. Following this Decree, the Royal Order of Kamehameha Statutes were written and in continuity with today's timeline, Our Order preserve's and perpetuates the ancient chiefly customs and traditions of Hawaii.

We have written many letters stating our status on Maunakea and included in those letters were our Principles of the Royal Order of Kamehameha I. We are compelled to make you aware of our position regarding the Maunakea Working Group Draft report dated, December 17, 2021.

We, the Royal Order of Kamehameha I, understand that you are proposing that the Edith Kanaka'ole Foundation or EKF, based on their cultural knowledge and nonprofit status, be given decision making authority regarding the care and protection of Maunakea.

The Royal Order of Kamehameha I does not support just one individual or group to provide input of any cultural knowledge regarding Maunakea. Our Royal Order of Kamehameha I would like to remind you of those, who have for many years, expressed cultural expertise as well as spiritual practice on Maunakea. They include but are not limited to nā kupuna, lineal descendants, kahuna la'au lapa'au, wa'a persons, hunters, trail enthusiasts, gatherers, star people, and kumu of various cultural professions and interests.

The proper way to solicit advice, authority, and agreements, is to continue multiple conversations with all the above listed expertise and be inclusive so that proper programmatic agreements can be accomplished and ensure fairness to our Lāhui.

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SUBJECT: Maunakea Working Group's Draft Report dated December 7, 2021

Page 2

The Royal Order of Kamehameha I, since 1996, began to re-establish access for spiritual and cultural practice for the benefit of the Lāhui, the Kanaka Maoli people, the public, and supporters worldwide. The Royal Order of Kamehameha I, at the urging of nā kupuna of the Lāhui, did establish the prayer space at the summit followed by the Ahu at Hale Pōhaku.

Ahu O Pu'uhuluhulu in 1996 was set up again at the urging of nā kupuna with the Royal Order of Kamehameha I. Regular spiritual practice began at the summit at that time for Solstice, Equinox, Lā Ho'ihō'i Ea, Lā Ku'oko'a, and other times when it is deemed necessary to seek spiritual guidance, strength, and renewal.

On July 13, 2019, Pu'uhonua O Pu'uhuluhulu, a place of refuge and protection, was formally set up to be of service for the Lāhui who were peacefully standing to protect Maunakea from further telescope development. The prayer space at the summit was reset on July 17, 2021 by the Royal Order of Kamehameha I. By the authority of The Royal Order of Kamehameha I, **vested in our Alii Nui, Alii Sir Alika Desha**, it was given the name, Ahu Kiwini O Kūkahau'ula.

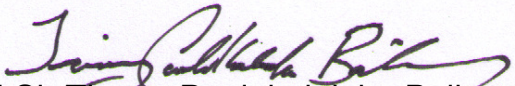
The Royal Order of Kamehameha I has worked with and supported all Lāhui initiatives and legal steps necessary which have been taken for the care and protection of Maunakea. The Royal Order of Kamehameha I encourages you to consider a broader decision making body.

The Royal Order of Kamehameha I will not relinquish its kuleana, privilege and responsibility, over the mentioned Ahu and Pu'uhonua and supports the spiritual and cultural practices on Maunakea by the Lāhui as it feels necessary in the future.

We encourage you to protect and care for Maunakea and not be exclusive to just one individual or group. To establish the trust of our Kanaka Maoli, it is imperative that your intentions are inclusive and meaningful. Feel free to contact us via the letterhead information above, mahalo.

"E nai wale no oukou, i kuu pono aole i pau"
"Strive to pursue my unfinished good deeds"
Kamehameha I

O wau no me ka haahaa,


Alii Sir Timmy Paulokaleioku Bailey, KCK
Kakaolelo Nui & High Talking Chief



APPENDIX D

From: [Bob Dubois](#)
To: [Mauna Kea Working Group](#)
Subject: Mauna Kea working group
Date: Wednesday, January 19, 2022 6:38:02 PM

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Aloha,

Simply put, I am in favor of the 9 member working taking over control of decision making at Mauna Kea.

Bob DuBois
Manoa