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Pua Case

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February 1, 2015

Aloha mai kakou, friends and relations who support and love Mauna a Wakea here and everywhere. Spread the word to everyone....

please read this entire letter in reference to the Mauna Kea Hui's position on the upcoming UHH held EIS scheduled 'open houses' to be held this week on O'ahu and Hawai'i Island for a new 65 year lease on Mauna Kea

It is time for all of Hawaii to stand together. Pua Case

OPEN LETTER TO ALL WHO LOVE MAUNA KEA

Aloha Mauna Kea 'Ohana,

We come to you today to make a request to all who hold Mauna Kea in deep Reverence and Aloha.

As many of you know, the University of Hawai'i at Hilo (UHH) published an official notice announcing the preparation of yet another Environmental Impact Statement (EIS) for Mauna Kea. UHH announced they will be having "open houses" on the EIS Preparation Notice (EISPN) These so called "open houses" and the hearings that will follow, are going to be used to help UHH secure their bid from the Board of Land and Natural Resources (BLNR) for a new 65-year lease even though their current lease doesn't expire until 2033.

It is no surprise that UHH is seeking a new lease that would last for ANOTHER 65 years. Without the lease renewal, the Thirty-Meter Telescope (TMT) project makes no sense. None of their international and corporate partners would invest in a project that will have to be taken down before the end of its calculated functional life. TMT decommissioning is expected to cost \$17.1 million. This means that the TMT must have been in operation for more than 17 years to secure sufficient funds – just for decommissioning.

BLNR understood the TMT project would outlive the 18 years remaining on the current lease, but BLNR approved the TMT anyway. They did this TWICE – first, when they approved a TMT conservation district use permit and second, when they approved the TMT sublease. BLNR TWICE said "yes" when they should have said "no." This is why we are in court (the Intermediate Court of Appeals and the Third Circuit).

We believe the environmental review process, if done in a pono manner, is an important and critical part of the Aloha 'Aina movement. What we are opposed to is the UH misusing this process to rubber-stamp projects like the TMT that erodes the public trust that is supposed to define the relationship of the state of Hawai'i with the environment and its peoples.

The Mauna Kea Hui is reaching out to you because we believe it is most prudent for us to BOYCOTT the so-called EISPN "open house," which means we will not participate in these so called "open houses" or take any part in this FAKE EIS process until the courts have decided our Mauna Kea Case(s).

EXHIBIT A-129



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In multiple cases, we are challenging BLNR's decisions to approve the TMT because the serious adverse environmental and cultural impacts will result if we are allowed to proceed. The UH/TMT International Observatory is blocking these legal processes and wait to find out how the court will proceed. If the court finds in our favor, then much will have to be undone - another big waste of tax payers' dollars. And yes, UHH is using state tax dollars to do all of this.

The UH and State cannot keep ignoring the law and get away with it. If we want to live in a law abiding society then we all must agree to allow the courts to be the final arbitrators on questions of law. To do otherwise is to disrespect the court, basic civility, and Aloha.

2. PROTESTING A FAKE EIS PROCESS

To be clear we are NOT protesting the environmental review process. We are protesting the ways UH is misusing this process to manufacture a veneer of community consent to projects (like the TMT) that they have no intention of stopping on their own. The EIS Process is meant to inform decision makers so they can make an informed decision.

The BLNR knew about the NEGATIVE impacts of astronomy development on Mauna Kea. Prior EIS documents, from UH, NASA, and TMT, informed them of the negative and significant impacts that the TMT project would have on Mauna Kea and the people. Unfortunately, BLNR rubber stamped the project anyway—a clear indication of the level of political corruption that has come to define Hawai'i today.

We choose not to be party to such abuse of a public process designed to protect the environment (the 'Āina) and the people. A key to the Aloha 'Āina movement is to uphold that Hawaiian Nationals, regardless of their ethnicity, may reserve their rights under Kingdom law and therefore we reserve our right to comment at a later date if the need may arise—Until then we BOYCOTT.

3. NEGATIVE IMPACTS KNOWN

Previously, UH/NASA was sued to do a more comprehensive EIS, which would include the TMT. When NASA planners did consider the cumulative impacts (including the TMT), NASA concluded - 30 years of astronomy related activities has resulted in "adverse, significant and substantial impact to the cultural and natural resources of Mauna Kea." NASA EIS at ES-2. The TMT EIS also concluded Mauna Kea had suffered under UH's management: "From a cumulative perspective, the impact of past and present actions on cultural, archaeological and historic resources is substantial, significant, and adverse: these impacts would continue to be substantial, significant, and adverse with the consideration of the [TMT] Project and other reasonably foreseeable future actions." TMT EIS at S-8.

BLNR, under its former chairperson, also confirmed this in its comments on the TMT FEIS:

"[i]t is our view that the effect of astronomy development on cultural resources and on the landscape of Mauna Kea has been significant and adverse. ...we believe that the [TMT]

Chat (Off)



Home

Furthermore, hazardous materials and spills relating to astronomy related na Kea have been documented. Spills include, but are not limited to spills of Mercury, Diesel Fuel, Hydraulic Fluid, Ethylene Glycol, and 3LE 6-2 Hazardous Material and Sewage Spills Associated Operations on Mauna Kea, UH CMP at p. 6-9-6-10 recording (up to 2010).

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4. NEW LEASE OUTRAGEOUS

The proposed UH actions to negotiate a new lease is an attempt to circumvent HAR 171-36 (a)(2). With BLNR reissuing new leases, UH would have obtained leases for the Mauna Kea lands for over 110 years. Thus, this action is in violation of HAR 171-36 (a)(2) as well as HAR 171-95. In addition, this action is in violation of HAR 171-36 (a)(3) as the existing leases still have nearly 20 years remaining. *See also notes below

5. FAKE MITIGATION IS NOT MITIGATION

UH continues to propose mitigation measures that have no bearing on reducing impacts on Mauna Kea's summit. Likewise, in the TMT EIS, "mitigation measures" did not actually offset negative impacts to the cultural and natural resources. UH/TMT's offers of money, furniture and art designed to "engender a sense of place" for the very place that will be destroyed as mitigation, are offensive as would insult most people's intelligence and sense of common decency.

Given this and the State Auditor's findings regarding the misuse and abuse of Mauna Kea by the UH, further highlights just how the UHH application for another 65 years lease is preposterous and offensive.

It is however telling, because it demonstrates that after all these years the UH/TMT International Observatory only continues to disrespect our Wahi Pana (sacred places) and continues to show a deep-seated disrespect for Hawai'i and its people.

We hope you will join us in this stand for our beloved Mauna. We would not, however, wish to stifle anyone's voice, song, proclamation of Aloha for Mauna Kea. We feel all must follow their hearts, we must all stand firm and speak truth for truth's sake and for Aloha. We wish only to provide our perspective and a forewarning to ask all to please akahele—be aware! In the end, we believe in Ke Akua, Na Akua and Na 'Aumakua and that goodness, great blessings and Aloha shall abound always. We pray this day that all things righteous be fulfilled.

In Aloha we remain,
Kealoha Pisciotta, President of Mauna Kea Anaina Hou
Clarence Kūkauakahi Ching
Deborah J. Ward
The Flores-Case 'Ohana
KAHEA: The Hawaiian-Environmental Alliance
Paul Neves

BTW:
Office of Environmental Quality Control (OEQC) Bulletin on the website reads as follows: Chat (Off)



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Cancer Center), on February 4, 2015 on Hawai'i Island at the Department of and Office in Waimea and at the 'Imiloa Astronomy Center February 5, 2015. Comments can be submitted to Ms. Stephanie Nagata, s@hawaii.edu

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Hawaii Revised Statutes §171-36 - Lease restrictions; generally

(a) Except as otherwise provided, the following restrictions shall apply to all leases:

- (1) Options for renewal of terms are prohibited;
- (2) No lease shall be for a longer term than sixty-five years, except in the case of a residential leasehold which may provide for an initial term of fifty-five years with the privilege of extension to meet the requirements of the Federal Housing Administration, Federal National Mortgage Association, Federal Land Bank of Berkeley, Federal Intermediate Credit Bank of Berkeley, Berkeley Bank for Cooperatives, or Veterans Administration requirements; provided that the aggregate of the initial term and extension shall in no event exceed seventy-five years;
- (3) No lease shall be made for any land under a lease which has more than two years to run;

Hawaii Revised Statutes §171-95 - Disposition to governments,

governmental agencies, public utilities, and renewable energy producers

(a) Notwithstanding any limitations to the contrary, the board of land and natural resources may, without public auction:

- (2) Lease to the governments, agencies, public utilities, and renewable energy producers public lands for terms up to, but not in excess of, sixty-five years at such rental and on such other terms and conditions as the board may determine;

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29 shares

17 Comments



Keri Krow Aloha Mahalo for sharing
February 1, 2015 at 8:45pm · Like



Pua Case Aloha N Hualalai Keohuloua, Leina'ala Sleightholm, Leinani Navas Loa
February 1, 2015 at 8:45pm · Like · 1



Pua Case Ruth Aloua, Puaalaokalani Nihau, Pualani Colburn, U'ilani Boneza, Mehana Kihoi, Clare Loprinzi, Luana Busby,
February 1, 2015 at 8:47pm · Like

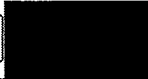


Theodora Akau Gaspar Joshua Lanakila Mangauil Hank Fergerstrom Mehana Kihoi Pono Kealoha
February 1, 2015 at 8:47pm · Like



Leina'ala Sleightholm MaunaKea'Ohana Mahalo auntie Pua . Will continue sharing.
February 1, 2015 at 8:48pm · Like

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February 1, 2015 at 8:48pm

za Thank you for sharing this auntie pua

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kau Gaspar Suzie Kaulia Sumo Kekaulua-Tuiaana Kalani De
a Belford-Smith Ku Kahakalau

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Leina'ala Sleightholm MaunaKea'Ohana Tammy Harp Keone Kalawe Kaimi
Watson Puanani Ikeda Hōkūlani Reyes Jason Kalawe Dominique Jacot
February 1, 2015 at 8:51pm · Like · 1

Theodora Akau Gaspar See you on Wednesday with PONO inside & out for
our Mauna
February 1, 2015 at 8:52pm · Like · 2

Nalani Kahooiilhala Prayers With Aloha Sent For Our Aina ❤️❤️❤️
February 1, 2015 at 9:01pm · Like · 1

Theodora Akau Gaspar Brenda Salgado
February 1, 2015 at 9:13pm · Like

Leina'ala Sleightholm MaunaKea'Ohana See you all there! ❤️
February 1, 2015 at 9:13pm · Like · 1

Betty JY Lau Where is it tomorrow? I'm in Hon now!
February 1, 2015 at 10:34pm · Like

Charlene Eigen-Vasquez Sending blessings.
February 2, 2015 at 2:42am · Like · 1

Pua Case When asked how am I going to show that I am Boycotting the UHH
EIS open house for obtaining a 65 year Master Lease on Mauna a Wakea,
Mauna Kea, I respond with this:
1)I am wearing white and Mauna Kea regalia on the day that the open house is
in my comm... See More
February 2, 2015 at 11:41am · Like · 4

Shawna Okami-Rosehill Ku'e
See Translation
February 2, 2015 at 12:37pm · Like · 1

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BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation
District Use Application (CDUA) HA-3568 for
the Thirty Meter Telescope at the Mauna Kea
Science Reserve, Ka'ohē Mauka, Hāmakua,
Hawai'i, TMK (3) 4-4-015:009

Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon the following parties by email unless indicated otherwise:

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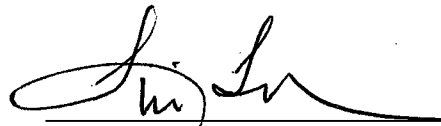
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