

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Wednesday, January 24, 2018 8:14 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Cain, Michael; Lemmo, Sam J
Subject: FW: 1/26/2018 Letter in support of OMKM, astronomy on Maunakea

FYI-

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Veronica Ohara |
Sent: Tuesday, January 23, 2018 12:59 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: 1/26/2018 Letter in support of OMKM, astronomy on Maunakea

Aloha Members of the BLNR,

I submit for your records a letter in support of the Office of Mauna Kea Management and astronomy on Maunakea.

Great strides have been made by the OMKM towards better stewardship of Mauna Kea. The most recent progress with the Comprehensive Management Plan means the rare fauna and biota have been protected. As we have seen the Weiku Bug is no longer on the endangered species list, the Wolf Spider flourishes, the Silver Sword blooms. The BLNR is requiring compliance with the CMP with new permits and imposing sub lease rent.

In 2017 the Kohala Chamber of Commerce awarded the Pualu Award for Culture and Heritage to OMKM. Since the inception of OMKM in 2000 there have been consistent efforts on their part to achieve and maintain consistent stewardship in all aspects of Mauna Kea, the cultural, natural resources and recreational. Most importantly the Long Term Historic Property Management Plan and implementation of regular annual monitoring without statutory requirement means that artifacts and areas that are of great importance to the Hawaiian culture and people are being looked after properly. This monumental effort was recognized and OMKM received the Culture and Heritage Award from Wendy Laros, the Kona-Kohala Chamber of Commerce Executive Director.

OMKM has organized Weed Pulls for invasive species twice in 2017, July 22 and August 12. The first organized weed pull was in 2012 and since that year more than 1,100 community volunteers have donated 8,000 hours of their time to support this project. These efforts also helped to prepare the areas for future native plant restoration. Many of these volunteers are from the Hilo/UH astronomy community and their supporters.

The astronomy community has a deep and abiding interest in making sure the stewardship of Mauna Kea continues. To this end donations have been made to significant projects like the Hokulea journeys. Keck Telescope had a successful Open House. A Subaru astronomer invited students to a viewing at Keck Telescope. There is also the Mauna Kea Scholars program,

a partnership between Mauna Kea Observatories and CFHT.

The astronomy community contributes at least \$168,000 annually to the Hawaii economy. This income is vital to Hawaii and Hilo as the state continues to be one of the most expensive places to live.

<https://www.bizjournals.com/pacific/news/2014/12/23/hawaiis-astronomy-sector-brought-an-economic.html>

Voices in support of astronomy on Mauna Kea can be heard from the laudable Chad Kalepa Babayan, Mailani Neal, Dr. Heather Kaluna, P.U.E.O. and other Native Hawaiians.

Therefore I urge you to support the Office of Mauna Kea Management. As a Native Hawaiian I ask you to recognize that Mauna Kea is a natural resource for us and for all the residents of Hawaii. Mauna Kea is not only a destination for tourism; most importantly it is a place where knowledge is gained. This knowledge will benefit the Hawaiian people and we can share it with the world. The Office of Mauna Kea Management has made great strides with the implementation of the CMP and together with the recent UH BOR Mauna Kea Management Resolution we can look forward to the highest level of stewardship for our beloved mountain, Mauna Kea.

With great respect and thanks,

Veronica Ohara

--

Veronica

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Wednesday, January 24, 2018 8:22 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Cain, Michael; Lemmo, Sam J
Subject: FW: Some Testimony Regarding upcoming meeting

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: R Smith |
Sent: Tuesday, January 23, 2018 5:38 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Some Testimony Regarding upcoming meeting

Aloha and To Whom it may Concern:

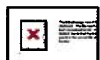
My name is Ralph Smith and I want to submit some words in support of the Office of Mauna Kea Management, DLNR and astronomy on Mauna Kea. I make it up the mountain a couple of times each month.

I pay close attention to maintenance and cleanliness of the mountain during my trips up there.

I pay attention because of all the protest and judgement that goes on in "parts" of the community regarding the astronomy industry. When I drive up I am happy to see a road that is so well maintained. It is a steep switchback road and there are no pukas or dangerous places.

When I arrive at the summit I pay attention by looking around to see if there is any opala and there is None. It is immaculately clean up there in the astronomy district. Clearly the people charged in doing their job are doing it. I want to say Thank You. There are some tough times ahead. I think that if we all do our part in maintaining the pristine beauty of Mauna Kea we ALL win.

Aloha Ralph Smith



Virus-free. www.avg.com

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Wednesday, January 24, 2018 8:21 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; Roehrig, Stanley H.;
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Cain, Michael; Lemmo, Sam J
Subject: FW: A Visitor's View of the Management of Maunakea

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

-----Original Message-----

From: Tim Cole [mailto:tim@hawaii.gov]
Sent: Tuesday, January 23, 2018 5:35 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: A Visitor's View of the Management of Maunakea

To the State of Hawaii Board of Land and Natural Resources

While I am Canadian citizen, I am astronomy educator and the current president of the Royal Astronomical Society of Canada's Ottawa Centre. I have a keen interest in professional astronomy, and I have devoted considerable effort into learning the history of astronomy activities on Maunakea.

In June of 2012, I traveled to Hawaii to observe the Transit of Venus. During my trip, I had the opportunity to visit Maunakea on four separate occasions: observing the Transit with an organized Sky and Telescope Magazine group, a commercial tour with Mauna Kea Summit Adventures, a visit to the Canada-France-Hawaii Telescope summit facilities, and a visit to the Gemini North summit facilities. In my trips to Maunakea, I had numerous opportunities to speak with observatory staff, staff at the Visitor Information Station (VIS), Rangers, and visitors to the mountain, both residents and people from out-of-state.

In every visit to Maunakea, I noticed one recurring theme: I was always reminded, politely, that I was privileged to visit a remarkable place. I didn't meet anyone who worked on the mountain who took Maunakea for granted. Everywhere I went, I had reminders that the environment was more delicate than it appeared, and that many people in Hawaii had strong spiritual feelings about Maunakea. The message was friendly but firm and very clear: we take care of this special place, and we urge you, a visitor, to be cognizant of that. It was much more welcoming version of the old advice to those visiting wilderness areas: Take only photographs, leave only footprints (and even then, leave the footprints on the trails).

I took my commercial summit visit the day after the Transit of Venus.

It's worth pointing out that there hundreds of people on the mountain to observe the Transit. I'd never seen a more cordial and better behaved crowd than I'd seen on Transit Day, but there's always a certain amount of debris and litter -- it's inevitable. When I returned the next day, I couldn't see any sign that there had been a big, heavily attended event the day before. Having worked on large public events before, I'm well aware of how much effort it takes to clean up afterward.

On one trip, I took a short hike near the VIS. Before I set out, I was reminded that I must stick to established paths. Staff pointed out small shrines that had been built and told me that it was very important to leave them alone. While the staff members were very friendly and polite, it was clear that they were also very serious about this.

During my observatory visits, my guides advised me to not hike to the true summit of Maunakea. I was informed that many ethnic Hawaiians regarded the summit as a sacred place and that it would be a mark of respect to not go there. On one visit, we noticed hikers just below the summit. My guide that day remarked, quite acidly, "More tourists who don't read the signs." It was very clear that he was not pleased.

As I'd mentioned earlier, I've done a fair bit of research into the history of astronomy on Maunakea. There's no doubt in my mind that in the early days, people had a very cavalier attitude to the environment and to the cultural aspects of the mountain. That was very much the attitude of the times. It was around same time that I grew up in a Northern Canadian mining town, and the attitude was the same: Need a road -- get a bulldozer; got trash -- toss it where you can't see it and move on. We've all learned that this isn't a good way to do things, and we've learned to do things better.

It seems to me that this is very much the case on Maunakea. Things weren't done well in the early days of astronomy. We've all grown up.

We've all learned how to do better. Certainly, all the people I've met who work on Maunakea care about that marvelous place. To me, that speaks well of the group that manages operations on Maunakea because attitudes trickle down.

I was impressed by the men and women who work on Maunakea. They work in a very precious place, and they know it.

Yours truly,

Tim Cole, President, Royal Astronomical Society of Canada -- Ottawa Centre

Ottawa, Ontario Canada

State of Hawaii
Board Of Land and Natural Resources

Aloha aina,

I am submitting testimony on the upcoming Board Of Land and Natural Resources (BLNR) meeting on 1/26/18 on issues related to the management of Mauna Kea.

A fundamental issue in the mismanagement of Mauna Kea is the failure of both the The BLNR and the current Master Lessee, University of Hawaii (UH) to charge fair market value on leases and sub-leases on Mauna Kea. This failure is in direct violation to HRS 171-17 and HRS 171-18 (attached at the end of testimony). This failure to uphold the States fiduciary responsibility to Native Hawaiians and other residents is pertinent to all issues being brought before the BLNR at this meeting:

- 1) The 2017 Annual Report on the Status of the Implementation of the Maunakea Comprehensive Management Plan (CMP);

Funding for the implementation of this CMP should not come from taxpayers, but from those who are contributing to the cumulative, significant and adverse effects of astronomy on Mauna Kea. There has not been a single fair market value assessment done for any of the leases or subleases on Mauna Kea, nor has any significant lease rent been collected from any lessees.

- 2) Update on decommissioning plans for Maunakea observatories;

Funding and financial responsibility for decommissioning is unclear. UH and BLNRs failure to collect lease rent and put money away for mandatory decommissioning of facilities creates a situation where the taxpayers may ultimately need to pay to clean up the opala left by Astronomy developers.

- 3) Update on the status of proposed revisions to the Maunakea CMP;

I am not aware of proposed revisions, but a critical and practical assessment of funding for implementation of the CMP should be considered and the CMP revised accordingly.

Collecting fair market lease rent from current sub lessees would provide this funding and bring BLNR in compliance with HRS 171-17 and HRS 171-18.

- 4) Update on the status of proposed Administrative Rules for Maunakea;

Before looking to impose rules on Cultural practitioners on Mauna kea, BLNR needs to make sure that as a State entity they are in compliance with the laws of the State, namely HRS 171-17 and HRS 171-18.

5) Update on the status of the EIS for new land authorizations on Maunakea;

No new land authorizations or dispositions should even be considered until BLNR can uphold its fiduciary responsibilities as set forth in HRS 171-17 and 171-18, by charging current lessees and sub-lessees fair Market value for the use of our sacred Mauna.

6) A Review of the July 2017 report from the State Office of the Auditor; Ka'ōhe, Hāmākua District, Hawaii, TMKs (3) 4-4-015:009 and (3) 4-4-015:012

An additional forensic financial audit should be done regarding the failure to collect fair market lease rent on Mauna Kea as mandated by HRS 171-17.

The “ceded” lands of Mauna Kea were seized from the Hawaiian Kingdom and are currently held in trust by the State of Hawaii and BLNR. As such BLNR has a fiduciary responsibility as articulated in HRS 171-18 to use proceeds from land dispositions to better the conditions of Native Hawaiians. Free telescope time cannot pay for natural resource management, free telescope time cannot pay for housing, free telescope time cannot pay teachers salaries, free telescope time cannot pay for health care. My testimony is simple, uphold the law as outlined in HRS 171-17 and HRS 171-18. If UH is unable comply with these laws and charge current sub-lessees fair market value, then they are unfit to hold the Master Lease for Mauna Kea.

All Items on this meeting's agenda are pre-requisites to issuing a CDUP to TMT and ultimately supporting its construction. The timelines of the CMP, decommissioning plan, Administrative Rules and Audit reports in relation to the TMT make it clear that they were not initiated to be pono land stewards, but to push the TMT forward.

No further Development and desecration on Mauna Kea can be considered until BLNR has proven its capability to uphold its fiduciary responsibility to Native Hawaiians and the residents of Hawaii and follow its own rules and laws. A good faith first step toward this is to follow the laws of the State of Hawaii set forth in HRS 171-17 and HRS 171-18.

Me ke aloha aina, Joseph Kualii Lindsey Camara

2013 Hawaii Revised Statutes

TITLE 12. CONSERVATION AND RESOURCES

171. Public Lands, Management and Disposition of

171-17 Appraisals.

Universal Citation: [HI Rev Stat § 171-17 \(2013\)](#)

§171-17 Appraisals. (a) The appraisal of public lands for sale or lease at public auction for the determination of the upset price may be performed by an employee of the board of land and natural resources qualified to appraise lands, or by one but not more than three disinterested appraisers whose services shall be contracted for by the board; provided that the upset price or upset rental shall be determined by disinterested appraisal whenever prudent management so dictates. No such lands shall be sold or leased for a sum less than the value fixed by appraisal; provided that for any sale or lease at public auction, the board may establish the upset sale or rental price at less than the appraisal value set by an employee of the board and the land may be sold or leased at that price. The board shall be reimbursed by the purchaser or lessee for the cost of any appraisal required to be made by a disinterested appraiser or appraisers contracted for by the board.

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

(1) An employee of the board qualified to appraise lands; or

(2) A disinterested appraiser or appraisers whose services shall be contracted for by the board, and such appraisal, and any further appraisal with the approval of the board, shall be at the cost of the purchaser;

provided that the sale price or lease rental shall be determined by disinterested appraisal whenever prudent management so dictates; provided further that should the purchaser fail to agree upon the sale price or lease rental, the purchaser may appoint an appraiser who together with the board's appraiser shall appoint a third appraiser, and the sale price or lease rental shall be determined by arbitration as provided for in chapter 658A which shall be final and binding. The purchaser shall pay for all appraisal

costs, except that the cost of the third appraiser shall be borne equally by the purchaser and the board.

(c) In the repurchase of any land by the board, the board shall have the option to repurchase the land for the original sale price or the fair market value at the time of repurchase, whichever is the lower. Any improvements affixed to the realty shall be purchased at their fair market value. At the time of the repurchase, the fair market value of the land, and the improvements, if any, shall be determined by a qualified appraiser whose services shall be contracted for by the board; provided should the owner fail to agree upon the value, the owner may appoint the owner's own appraiser who together with the board's appraiser shall appoint a third appraiser, and the value shall be determined by arbitration as provided in chapter 658A. The owner shall pay for all appraisal costs, except that the cost of the third appraiser shall be borne equally by the purchaser and the board.

(d) In the event of reopening of the rental to be paid on a lease, the rental for any ensuing period shall be the fair market rental at the time of reopening. At least six months prior to the time of reopening, the fair market rental shall be determined by:

(1) An employee of the department qualified to appraise lands; or

(2) A disinterested appraiser whose services shall be contracted for by the board;

and the lessee shall be promptly notified of the determination; provided that should the lessee fail to agree upon the fair market rental, the lessee may appoint the lessee's own appraiser who together with the board's appraiser shall appoint a third appraiser and the fair market rental shall be determined by arbitration as provided in chapter 658A. The lessee shall pay for the lessee's own appraiser, the board shall pay for its appraiser, and the cost of the third appraiser shall be borne equally by the lessee and the board. Any language in present leases to the contrary notwithstanding, the provisions of this subsection, when possible and notwithstanding the six-month notice required, shall apply to leases with original lease rental reopening dates effective before and after July 1, 1996.

(e) Whenever more than one appraiser is appointed each shall prepare and submit an independent appraisal. All appraisal reports shall be available for study by the public. [L 1962, c 32, pt of §2; am L 1963, c 135, §§1, 2, 3; am L 1965, c 239, §10; Supp, §103A-17; HRS §171-17; am L 1976, c 147, §1; am L 1985, c 116, §1; gen ch 1985; am L 1986, c 48, §1; am L 1993, c 132, §1; am L 1996, c 233, §1 and c 234, §1; am L 2001, c 265, §4]

2013 Hawaii Revised Statutes

TITLE 12. CONSERVATION AND RESOURCES

171. Public Lands, Management and Disposition of

171-18 Public land trust.

Universal Citation: [HI Rev Stat § 171-18 \(2013\)](#)

§171-18 Public land trust. All funds derived from the sale or lease or other disposition of public lands shall be appropriated by the laws of the State; provided that all proceeds and income from the sale, lease, or other disposition of lands ceded to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July 7, 1898 (30 Stat. 750), or acquired in exchange for lands so ceded, and returned to the State of Hawaii by virtue of section 5(b) of the Act of March 18, 1959 (73 Stat. 6), and all proceeds and income from the sale, lease or other disposition of lands retained by the United States under sections 5(c) and 5(d) of the Act and later conveyed to the State under section 5(e) shall be held as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible, for the making of public improvements, and for the provision of lands for public use. [L 1962, c 32, pt of §2; Supp, §103A-18; HRS §171-18]

Cross References

Act of March 18, 1959 is the Hawaii Admission Act, see volume 1.

Attorney General Opinions

Provides that ceded or public trust land may be alienated. Att. Gen. Op. 95-3.

Law Journals and Reviews

Hawaii's Ceded Lands, Comment, 3 UH L. Rev. 101.

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Wednesday, January 24, 2018 8:18 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 1 Roehrig, Stanley H.;
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Cain, Michael; Lemmo, Sam J
Subject: FW: Testimony for the Management of Mauna Kea Meeting

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: hawaiianreyes
Sent: Tuesday, January 23, 2018 1:14 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Testimony for the Management of Mauna Kea Meeting

Aloha All,

My name is Annette Reyes and I just wanted to write something short to express my gratitude and convey my trust in the Office of Mauna Kea Management.

I believe OMKM is a very good steward of the land and has been for some time now. They are trying real hard to respect everyone and please everyone at the same time and I think they truly deserved that stewardship award. I believe Mauna Kea is in good hands.

Mahalo,
Annette

Suzanne Case, Chair
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl St.
Honolulu, HI 96813

January 25, 2018

Dear Ms. Case,

I write in support of the stewardship and management of Maunakea provided by the Office of Maunakea Management.

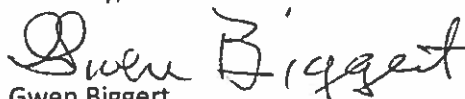
OMKM is protecting cultural, historical and natural resources on the mountain. They inspect pallets going up the mountain, have implemented Standard Operating Procedures for cleaning vehicles of observatories, contractors and deliveries to the mountain, and give frequent (monthly) resource orientation to all who work or contract services up on Maunakea, and conduct volunteer weed pulls of invasive fire weed around the Halepohaku area. They conduct periodic surveys of cultural, historic and archeological sites.

The implementation of the Comprehensive Management Plan has been a success through the leadership of the Office of Maunakea Management. Their successful model and implementation practices have been shared and used as an example for other government agencies to follow in land management practices.

The OMKM staff members are highly qualified to conduct resource management of the Mountain.

I am confident that the UH management lands are the best managed lands in the State of Hawaii.

Sincerely,

A handwritten signature in black ink that reads "Gwen Biggert". The signature is fluid and cursive, with the first name "Gwen" and last name "Biggert" clearly distinguishable.

Gwen Biggert
P.O. Box 210
Hawaii National Park, HI 96718

January 25, 2018

TO: BLNR Chair Suzanne Case & Fellow Board Members
Department of Land & Natural Resources
1151 Punchbowl Street, Rm. 131
Honolulu, HI 96813
dlnr@hawaii.gov

FR: E. Kalani Flores, representing the Flores-Case 'Ohana
P.O. Box 6918, Kamuela, HI 96743
ekflores@hawaiiantel.net

RE: **January 26, 2018 Meeting Agenda Item K. 1 – Board Briefing on Maunakea Management**

The Office of Conservation and Coastal Lands (OCCL) staff report, dated Jan. 26, 2018, is definitely an improvement over the usual one or two-page memos that have previously been submitted to the Board with previous *Annual Reports on the Status of the Implementation of the Mauna Kea Comprehensive Management Plan*. The following comments are limited to only certain sections of this staff due to a very limited opportunity for an adequate review of this entire document and appendices.

The following comments explain why it's imperative that BLNR require:

- **OCCL staff to conduct a more comprehensive analysis of the UH's reports pertaining to the CMP management actions.**
- **UH to be in compliance with required Mauna Kea CMP management actions that should be completed within the required timeframes as stipulated.**
- **UH to provide actual dates (month and year) when management actions are scheduled to be completed especially those originally listed as being "Immediate" and "Short-term" to "Long-term" as well as those noted as "In Progress".**

BLNR/DLNR, representing the State as the Lessor, has the sole legal obligation, duty, and responsibility to appropriately manage and protect the conservation and public trust lands of Mauna Kea. BLNR/DLNR has improperly delegated those duties and responsibilities resulting in non-compliance with the BLNR approved plans for Mauna Kea such as the Mauna Kea Comprehensive Management Plan (CMP) and associated subplans. Even with such plans in place, BLNR/DLNR has not done a regular and comprehensive analysis to ensure that the UH, as Lessee of these public lands, is in compliance with such plans. The failure of BLNR/DLNR to assume their appropriate role as Lessor has resulted in substantial, adverse, and significant impacts to the natural, cultural, and historic resources on Mauna Kea. This matter has been previously brought to the attention of the BLNR/DLNR for several decades as noted below in the Hawaii State Auditor's Report No. 05-13 (p. 30):

The lack of oversight by the department allows the university and its sublessees unchecked discretion on the use of Mauna Kea and leaves cultural and natural resources at risk for further damage.

**Report missing a comprehensive analysis of
CMP management actions.**

Although the OCCL staff report is 28 pages long, it's missing a critical component such as a comprehensive analysis of the status of CMP management actions to determine the accuracy of these Annual Reports. **Without such an analysis, there is no oversight by BLNR/DLNR which results in further adverse impacts upon Mauna a Wākea's cultural and natural resources and associated Native Hawaiian traditional and customary practices and rights.**

UH is NOT in compliance with its Mauna Kea management plans.

Presently, UH is not in compliance with the Mauna Kea CMP and associated subplans. Furthermore, BLNR/DLNR has the statutory obligation to ensure that UH is in compliance with these plans.

Pursuant to Judge Hara's decision, *Mauna Kea Anaina Hou, et al v. Board of Land and Natural Resources*, Civ. No. 04-1-397, Decision and Order dated January 19, 2007 (Hara 2007), it directed BLNR to approve a comprehensive management plan that considers multiple uses as a precondition for any future development on Mauna Kea (see Section 3.2). The Mauna Kea CMP was prepared in accordance with Judge Hara's decision. (CMP at 2-2 to 2-3.) This case affirmed that a comprehensive management plan is required for the astronomy development and associated activities within the conservation district of Mauna Kea. The purpose and function of such a plan is defined in HAR §13-5-39.

UH has not done a major review and update of the CMP and subplans that should have been completed in a timely manner around 2014 in order to be in compliance with the rules of the Conservation District.

**UH has failed to update and complete the five-year major review and
revision of the CMP as required and stipulated in this plan.**

The CMP was submitted to and approved by the BLNR on April 9, 2009. However, UH has failed to update and complete the five-year review of this plan as required and stipulated in the CMP. **Section 7.4.2** of the CMP outlines the requirements and process for monitoring, evaluating, and updating this plan as noted below.

Regular monitoring and evaluation of the CMP is needed to determine if management actions are effective over time and are meeting management needs, and to ensure that the best possible protection is afforded Mauna Kea's resources.

Monitoring and evaluation of the effectiveness of the CMP should occur annually, and an annual progress report should be prepared. **A major review and revision of the CMP should occur every five years**, using information contained in the annual reports. **Five-year evaluation and revision should include consultation with federal and state agencies and the local community, to inform stakeholders on program progress, and to gather input on changes or additions to management activities.** The CMP must also be updated to comply with any requirements or conditions imposed by the BLNR on the CMP upon acceptance of the plan. (emphasis added) (CMP at 7-64)

The requirement for UH to conduct a “major review every five years” is further reiterated in the CMP Implementation Plan (IP) (2010) as outlined below:

4.2.2 Five-Year Management Outcome Analysis and CMP Revision

The OMKM program should be subjected to a major review every five years, and the CMP should be revised, as necessary. This process should involve input from State and Federal agencies and the public. (emphasis added) (CMP IP at 17).

In addition, the CMP identifies management action **MEU-2** in which UH is stipulated to: *“Conduct regular updates of the CMP that reflect outcomes of the evaluation process, and that incorporate new information about the resources.”*

A comprehensive review of the Annual Reports submitted to the BLNR will demonstrate UH’s attempt to manipulate the information to mask their failure to complete a major five-year review and revision as specified in MEU-2. Below is a chronology of the comments presented in these Annual Reports:

The *2010 to 2013 Annual Reports* submitted by UH to BLNR listed the priority of MEU-2 as **“Short-term / As needed”** and provided no comments regarding this management action.

The *2014 Annual Report* changed the status of MEU-2 to **“In Progress”** and included the following comment and reaffirmed that the required CMP five-year major review and revision is required: *“Five-year CMP revision commences in 2014. Revision process initiated by OMKM for eventual submission to BLNR.”*

The *2015 Annual Report* changed the status of MEU-2 back to **“Short-term”** and reaffirmed that the required CMP five-year major review and revision was overdue and hadn’t been completed yet as noted in the comment: *“Five-year CMP revision interval is 2014. Revision process initiated by OMKM for eventual submission to BLNR.”*

The *2016 Annual Report* changed the status of MEU-2 back to **“In Progress”** and stated that the required CMP five-year major review and revision was pending as noted in the comment: *“Five-year CMP revision interval is pending the “Envision Maunakea” community input process and until the Governor’s 10-point plan, including the return of a substantial portion of land to DLNR, is resolved.”*

The most recent *2017 Annual Report* included the following comment: *“Five-year CMP revision interval was initiated in 2014 and is now pending the “Envision Maunakea” community input process and execution and resolution of the Governor’s 10-point plan, including the return of a substantial portion of land to DLNR.”*

This another example of the UH distorting the implementation status and purpose of management actions such as MEU-2 in these *Annual Reports*. **The purpose of this five-year major review and revision is to determine if progress is being made towards meeting the desired outcomes and objectives of the CMP.** As such, the completion of this five-year review is not subject to the Governor’s proposed 10-point plan. Also, the completion of this five-year review is not dependent upon the EnVision Maunakea project which is actually a ‘non-public’ talk-story session amongst select and invited individuals to determine “how different uses can coexist” on Mauna Kea. This is not an open public

forum process for reviewing the management actions of the existing CMP. UH's attempt to use the EnVision Maunakea project to satisfy MEU-2 is misconstrued and misleading.

Further guidance regarding the implementation and evaluation of the CMP is outlined in **Section 4** of the CMP IP. (see Appendix A)

Mauna Kea CMP did not include current issues and concerns within its scope.

Another significant reason why the CMP should be updated with a major review and revision is that several current issues and concerns (such as the proposed TMT project and new Master Leases) were beyond the scope of the existing CMP as noted below:

2.1.4 Issues and Concerns Beyond the Scope of the CMP

Through the extensive community outreach that took place during the preparation of this CMP (see Section 4), it became clear that the community had a number of issues and concerns related to past and future activities on Mauna Kea and specifically within the UH Management Areas that were beyond the scope of this CMP. These issues and concerns are listed below and policy makers are urged to consider them in their broader decision making related to Mauna Kea.

- Termination of the State Lease between the University and the BLNR
- Use of ceded lands for \$1 a year or nominal consideration
- Subleases between the University and the observatories
- Extension of the State lease beyond 2033
- Proposed new development on Mauna Kea, including the Thirty Meter Telescope (TMT) and Pan Starrs
- Community benefit package with increased educational benefits
- Guaranteed employment opportunities for Native Hawaiians and the people on the Island of Hawai'i

(CMP at 2-3.)

UH has failed to implement and complete several significant components of these management action plans that required immediate implementation.

The CMP identified specific management actions in order to protect the natural and cultural resources on Mauna Kea. In most cases, the Office of Mauna Kea Management (OMKM) of the University of Hawai'i at Hilo (UHH) is either directly responsible for implementing these actions or for ensuring its implementation by others.

OMKM was tasked with overseeing and implementing the management actions identified in the CMP Implementation Plan (2010). However, there were several significant management actions that were originally listed in the 2009 timeframe as "**Immediate**" (1-3 years) and "**Short-term**" (4-6 years) that have not yet been implemented and accomplished. Subsequently, UH changed their reporting methods assigned to the progress status definitions. In addition, UH started to change implementation priorities to "**Ongoing**" and "**In-Progress**". This resulted in having the existing CMP status plans being submitted annually to BLNR for review without any definitive dates listed for the implementation of most of these management actions that in many cases that are considered crucial in the protection of Mauna Kea's natural and cultural resources.

One such example of these incomplete management actions is **FLU-2** in which UH was required to develop “**land use zones**” in the Astronomy Precinct based on updated cultural and natural resource information that would “*delineate areas where future land use will not be allowed and areas where future land use will be allowed*”. The following description outlines the significance and goal of completing management action FLU-2:

FLU-2. Land use zones

Any potential future observatories will be located inside the Astronomy Precinct. The goal of this process is to refine telescope siting areas defined in the 2000 Master Plan based on updated cultural and natural resource information (see Section 7.1.1 and Section 7.1.2). **Land use zones will be developed that will delineate areas where future land use will not be allowed and areas where future land use will be allowed, but where compliance with prerequisite studies or analyses prior to approval of a CDUP, will be required.** When assessing proposed infrastructure expansion, additional consideration will be given to the location of current infrastructure and previously disturbed areas (see Section 7.3.1). New land uses should be located close to existing infrastructure or previously disturbed areas, to reduce impacts on undisturbed areas and to minimize unnecessary damage to geological features. As stated in the 2000 Master Plan, all major undeveloped cinder cones and their intervening areas will be protected from future development by astronomical or other interests. These include the following *pu‘u*: Ala, Hoaka, Kūkahau‘ula, Līlinoe, Māhoe, Mākanaka, Poepoe, Poli‘ahu, and Ula. (emphasis added) (CMP at 7-57 to 7-58)

UH has failed to complete a map with land-use zones based on updated inventories of cultural and natural resources prior to proposing new development. Consequently, if UH has not yet completed the prerequisite studies or analyses to determine land use zones as stipulated in FLU-2, then the approval of a CDUP for any new observatory such as the proposed TMT project would be premature and inconsistent with this CMP management action.

The *2010 Annual Report* submitted by UH to BLNR listed the priority of **FLU-2** as “**Immediate**”.

The *2011 Annual Report* changed the priority of FLU-2 from “**Immediate**” to “**Short-term**” and the *2011 to 2015 Annual Reports* reaffirmed that this management action hadn’t been completed yet as noted in the comment: “*This was originally listed for Immediate implementation. However, this task will require additional data gathered from baseline surveys of the resources.*”

The *2016 Annual Report* further reaffirmed that FLU-2 hadn’t been completed yet as noted in the comment: “*This task will require additional data gathered from baseline surveys of the resources.*”

It’s not a coincidence that after evidence presented in the recent CDUA HA-3568 contested case hearing demonstrated that FLU-2 had not been completed prior to moving ahead with this CDUA, UH then subsequently made substantial changes to this management action to mask this fact.

The most recent 2017 Annual Report changed the status of FLU-2 to “Ongoing” and included the following comment: “Areas previously mapped as off-limits for future land use through plans such as the Master Plan or CMP are used to limit any proposed activity. UH President Lassner confirmed that TMT was the last telescope to be built on undisturbed land. Resource data must be part of any proposal for major land use requests. HAR 13-5 allows for different types of land uses with each having its own requirements for preparing a land use application. Thus a single pre-prepared map cannot possibly address all potential scenarios.”

The significance of FLU-2 was to determine the appropriate or inappropriate areas for future astronomy development based upon “**baseline surveys of the resources.**” At the time the 2000 Master Plan and CMP were created, these surveys had not been completed yet. Now, UH changed the priority to “Ongoing” and is inaccurately implying that management action FLU-2 shouldn’t be completed. **This is another example of why it’s essential that BLNR/DLNR assert oversight of these management actions through a comprehensive analysis.**

UH has demonstrated a pattern of changing and manipulating significant management actions of the CMP when these actions haven’t been completed despite UH not having the legal authority to make such changes to the BLNR-approved CMP and subplans.

In order to protect the natural and cultural resources on Mauna Kea, UH should be mandated to implement significant management actions dating back to 2009. Correspondently, BLNR/DLNR should assume their prime responsibility to require UH’s compliance with these management actions.

UH’s ineffective management and unlawful actions of its own employees and individuals under their jurisdiction have resulted in adverse impacts upon Mauna Kea’s natural and cultural resources as well as adverse impacts to Native Hawaiian traditional and customary practices and rights. The OMKM has failed to follow the appropriate procedures for adopting implementing administrative rules for those lands and resources under their management. In the interim, staff and personnel of the OMKM have failed to follow the existing rules and protocols as outlined in the CMP. For example, it’s known that individuals associated with OMKM have dismantled, destroyed, and desecrated Native Hawaiian cultural sites on Mauna Kea without following their own existing rules and protocols. These actions were disclosed in the oral testimonies of both OMKM Director Stephanie Nagata and staff member Wallace Ishibashi.

BLNR/DLNR, representing the State as the Lessor, has the sole legal obligation, duty, and responsibility to appropriately manage and protect the conservation and public trust lands of Mauna a Wākea.

IMPLEMENTING AND EVALUATING THE COMPREHENSIVE MANAGEMENT PLAN FOR UH MANAGED LANDS ON MAUNA KEA

February 2010



Office of Mauna Kea Management

640 N. Aohoku Place, Room 203

Hilo, Hawaii 96720

APPENDIX A

4 Monitoring and Evaluation

An important part of the implementation of the Mauna Kea CMP is ensuring that management actions are achieving stated CMP desired outcomes and objectives. This section describes methods that can be used to monitor progress. It includes mandatory reporting procedures for the UH Board of Regents and BLNR on the progress of CMP implementation. Progress reports will document successes, failures, ongoing activities, the status of resources, and planned changes to improve management. The Mauna Kea CMP was designed using an adaptive management approach, which provides mechanisms by which to reevaluate implementation plans if substantial progress toward meeting desired outcomes is not being made.

4.1 Monitoring Implementation of the CMP

Regular monitoring of CMP implementation must occur in order to determine if progress is being made towards meeting the desired outcomes and objectives of the CMP. Monitoring is ongoing, with annual progress reports issued as described in Section 4.2.1. A major review and revision of the CMP will occur every five years, as described in Section 4.2.2.

Monitoring of a management program requires collection of concrete data that can be objectively analyzed and compared between years. This requires preparation at the beginning of each year, to determine the performance measures by which the year will be judged, followed by collection of data throughout the year on progress made toward meeting these measures. Preferably, the program coordinators will conduct brief monthly progress checks, to ensure that management activities are begun at appropriate times, that nothing is forgotten, and that projects are progressing as scheduled. Good notes taken throughout the year on the causes of delays or concerning unrealistic scheduling will support a more thoughtful analysis of the annual progress and help determine course-corrections for the following year. The annual monitoring program should occur as follows:

1. At the beginning of each year, the program coordinators will establish a list of priority management actions to occur that year, along with a realistic schedule. These actions should be derived from the CMP and its sub-plans, along with any new pressing issues that may have come to light since the last update of the CMP. See Appendix A for a list of management actions and implementation schedule.
 - a. The program coordinators should take care that the schedule is realistic and that there are not more tasks than can be completed in the number of man-hours available in the year. If it is consistently found that there are more tasks that must be completed than there are man-hours to complete them, staffing needs should be reviewed and new staff added, as needed. Management actions and projects that require a great deal of field labor or expertise that is not available in-house should be contracted out to ensure that they are conducted on schedule.
2. The priority management actions and the schedule should be placed into a progress-tracking datasheet in order to measure progress towards meeting the actions.
 - a. Larger actions and ongoing projects can be broken up into smaller components that can be individually tracked and checked off when complete. This will give a sense of

Implementation and Evaluation

progress for some of the items that may be complete only at the end of the year, or even after several years.

- b. As each action is completed, the program coordinators should enter the date of completion into the datasheet. It is easy to forget when projects were completed if you are attempting to recall this information at the end of a busy year.
 - c. Notes on problems encountered during management actions, interesting outcomes, successes, and ideas for improving management actions in the future should be kept on a linked document, to allow for easy cross-reference. This will help when writing the annual progress report.
 - d. The progress-tracking datasheets and schedule should be referenced at the beginning of each month, and updated as appropriate.
3. At the end of each year, the program coordinators should review the progress of that year's management program activities using the progress-tracking datasheet.
 - a. The progress-tracking datasheet will provide information on the percentage of management actions completed during the year and can reveal patterns in the strengths and weaknesses in the management program. The notes will provide helpful information on how best to improve the management actions, if they are to be continued the next year. Comparison of the projected schedule with the actual schedule will enable the program coordinators to better estimate timelines for future projects and will help determine if the scale and scope of the actions slated for the following year(s) are appropriate for the staffing level.
4. After the progress-tracking datasheets are analyzed, the program coordinators should produce an annual report, as described in Section 4.2.1.

4.2 Review and Revision

The principles of adaptive management require regular review of the program and revision of management goals, objectives, actions, and techniques, to improve the performance of the program. There are two primary reasons to evaluate the implementation of the Mauna Kea CMP. The first is to demonstrate that by implementing the management actions, desired outcomes are being achieved. The second is to continually improve the management program in terms of efficiency and quality.

Two review processes, an annual progress report and a five-year management outcome assessment, are recommended to assess the success of the management program and to enable revision of the CMP.

4.2.1 Annual Progress Report

At the end of each year OMKM should produce an annual progress report describing in detail the management goals, objectives, and actions for the year and what progress was made towards meeting them. The report should also describe actions to be taken to improve the program for the next year(s). This report is not intended to be a status report on the resources in UH Management Areas, rather it is meant to inform management and stakeholders of the progress of the program and direction it is to take in the future. This progress report should be developed before the following year's management priorities

and schedule are set. The annual progress report will be reviewed by MKMB, MKMB committees, DLNR, other agencies, and the public, and submitted to BLNR (see Section 2.3).

4.2.2 Five-Year Management Outcome Analysis and CMP Revision

The OMKM program should be subjected to a major review every five years, and the CMP should be revised, as necessary. This process should involve input from State and Federal agencies and the public.

4.2.2.1 Management Outcome Analysis

Determination of the outcome of management activities on the cultural and natural resources and of the success of the management program will be accomplished through a report summarizing (1) the state of cultural and natural resources on Mauna Kea and (2) the progress of the management program over the preceding five years.

The first section of the report will discuss the state of the cultural and natural resources in UH Management Areas. This section will summarize data collected during monitoring, research, restoration, and threat prevention and control activities conducted over the preceding five years. This portion of the report will analyze trends in cultural and natural resources, and the impacts (positive, negative, or neutral) that management actions have had on them. It will also summarize what future management actions are needed to protect, enhance, or restore Mauna Kea's cultural and natural resources.

The second section of the Five-Year Management Outcome Analysis should include a summary of the progress of the management program towards meeting management goals, objectives, and actions, as outlined in the CMP and in the annual listing of priority management actions (see Section 4.1). The source of information for this section of the report will be the annual progress reports from the last five years (see Section 4.2.1). Additionally, the CMP should be reviewed to determine if any desired outcomes were not addressed during the preceding five years, and if so, why not. This section will discuss strengths and weaknesses of the CMP and the management program and ways to improve them.

The purpose of the Management Outcome Analysis is to provide analysis of both the condition of the resources in UH Management Areas and the status of the CMP and management program. This information will be used to update the CMP so that it better addresses the needs of the resources, and to improve management activities through adaptive management.

A draft of this report should be submitted for review and comment to OMKM, MKMB, MKMB committees, and State and Federal agencies, as deemed necessary or appropriate. This will provide a mechanism for the interested parties to provide input into the direction the management program and suggestions for changes to the CMP. A final version of the report can then be presented to the public for comments and suggestions to be used in revising the CMP.

4.2.2.2 Revising the CMP

Following the production of the Five-Year Management Outcome Analysis, and after input from appropriate stakeholders, the CMP should be revised and updated to incorporate current status descriptions, new or updated desired outcomes, and new management actions. This major review and revision process should occur on the sixth year (to allow for time to process the five-year review). If it is determined that the five-year cycle is too short to show real changes in resource conditions, then after two five-year review and revision cycles, the frequency of the process can be lengthened, as needed.

Implementation and Evaluation

As described above (see Section 2.1), the current status of natural resources is unknown, and baseline inventories are required. Completion of the baseline inventories will necessitate a re-evaluation of the management actions recommended in CMP Section 7 and in the NRMP. It may be necessary to complete one or more in-house reviews and revisions of the natural resource management priorities during the first several years of the program, to determine impediments to successful management of natural resources, develop realistic timelines for projects, and make necessary changes to the structure of the program. This can be done on an as-needed basis, to be determined by the NRC, OMKM director, and MKMB Environment Committee.

Cain, Michael

From: Hank Hawaiian •
Sent: Wednesday, January 24, 2018 6:28 PM
To: Cain, Michael
Subject: agenda item K. 01-26-18

Hanalei Fergerstrom

Na Kupuna Moku O Keawe

P.O. Box 951

Kurtistown, Hawaii 96760

Sam Lemmo and Michael Cain

Office of Conservation and Coastal Lands

Department of Land and Natural Resources

1151 Punchbowl Street Rm. 121

Honolulu, Hawaii 96813

Regarding: Land Board Meeting scheduled 01-26-18

Agenda Item K (non action)

Aloha Kakou,

I am writing about the land board meeting scheduled for 01-26-18. In particular agenda item K. While I understand that this is a report of progress regarding UH and the follow-up to the State Auditor Report over the management of Mauna Kea.

I feel it is inappropriate that included in the required report is the pitch for TMT. This is information that is rather leading regarding the TMT and its contributions to the community. While I am not challenging the contributions that may or may not be being made by TMT, I question the appropriateness of including this as part of the report.

As you are aware that many of these suggestions are a part of the contested case hearing that are being appealed presently with the Supreme Court of the State of Hawaii. As an appellant to this case, I wanted it on the record that an objection to the contents has been raised.

This note should also be considered as testimony for agenda item K that is to be heard 01-26-18 at the land board hearing.

Thank you for all considerations.

Aloha, Harry Fergerstrom

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:03 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: BLNR Testimony

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

-----Original Message-----

From: Cari-Rose Aquino [
Sent: Thursday, January 25, 2018 6:04 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: BLNR Testimony

> Chair Case and Land Board Members,
>
> I write in support of the management efforts put forth by Office of Maunakea Management.
>
> I am native Hawaiian and first generation to finish college in my family. I am also proud graduate of Kamehameha Schools.
>
> I have heard a lot of unfounded grumbling about the management of the
> mountain. This is very unfair to The Office of Maunakea management. OMKM has no enforceable rules for the mountain, mostly because it cannot get the state of Hawaii to allow it to adopt commonsense rules. Everyone knows not to bring the 2 Wheel Dr. cars up to the summit but yet people do because there's no enforceable law or rule preventing it. It's time the State allows this agency to adopt rules for the safety of everyone, regardless of their intended use of the mountain.
>
> The UH managed lands on Mauna Kea are well cared for by the efforts of OMKM.
> Other state agencies, individuals and people who just want to perhaps make a landgrab, falsely accuse OMKM of mismanagement that happened nearly 20 years ago.
>
> Let's talk about the instrumental management efforts that OMKM has been doing. It's completed nearly every one of the 25 management action steps of the CMP. Let's applaud that.
>

- > They have been organizing invasive weed pulls since 2012 where over one thousand people have had a chance to come up and help malama the mountain. That's worth applauding.
- >
- > I'm not so sure other state agencies could come near to the level of successful management like OMKM has.
- >
- > I am also speaking out against the land power play OHA seems to be making. They have their own state audit issues and should stick to those.
- >
- > OMKM has been recognized with three awards for management practices
- > and everyone in the state should be supporting and applauding this
- > agency for its commitment to manage our mountain
- >
- > Thank you for accepting my support.
- >
- >

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:00 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'Roehrig Stanley H.;
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: BLNR Written Testimony

FYI-Support

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

-----Original Message-----

From: Janet Mitchell
Sent: Wednesday, January 24, 2018 9:35 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: BLNR Written Testimony

Aloha Suzanne,

I am writing in support of how the Office of Mauna Kea Management is successfully implementing the Comprehensive Management Plan. The UH managed lands on Mauna Kea are the best managed lands in the State. Not only is the Office of Mauna Kea Management actively protecting cultural and natural resources, it is a model of exemplary stewardship for other state agencies.

Sincerely,
Janet Mitchell

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 8:58 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; ; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Office of Mauna Kea Management Support

FYI-

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Jonathan Mitchell |
Sent: Wednesday, January 24, 2018 9:28 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: RE: Office of Mauna Kea Management Support

Suzanne Case
Chair
Board of Land and Natural Resources
Kalanimoku Building
[1151 Punchbowl St.](#)
[Honolulu, HI 96813](#)

Dear Ms. Case,

I am writing in support of the Office of Mauna Kea Management's stewardship efforts on Mauna Kea and the implementation of the Comprehensive Management Plan. The Office of Mauna Kea Management is successfully implementing the Comprehensive Management Plan. The UH managed lands on Mauna Kea are the best managed lands in the State. The Office of Mauna Kea Management is actively protecting cultural and natural resources, and is a model of exemplary stewardship for other state agencies.

Sincerely,
JK Mitchell

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 8:55 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; Roehrig, Stanley H.;
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Support Mauna Kea

FYI-In support

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

-----Original Message-----

From: hi80896743@aol.com
Sent: Wednesday, January 24, 2018 9:14 PM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Support Mauna Kea

Chair Case and Land Board Members,

I write in support of the management efforts put forth by Office of Maunakea Management.

The UH managed lands on Mauna Kea are well cared for and the protection efforts put in place by OMKM will ensure the natural and cultural resource protection for generations ahead.

Thank you for accepting my support.

Bob Latus
81-1026 Captain Cook Road
Captain Cook, Hawaii 96704

1151 Punchbowl Street Rm. 121

Honolulu, Hawaii 96813

From:

Kealoha Pisciotta Mauna Kea Anaina Hou

P.O. Box 5864

Hilo, Hawai'i 96720

DATE: January 24, 2018

Aloha Darlene, Michael, Sam and Members of the Board,

I am writing in my capacity as President of Mauna Kea Anaina Hou (MKAH). As you are aware MKAH and I are Appellants in the TMT litigation before the Hawai'i State Supreme Court.

While we understand this is a non action brief by the DLNR the Staff to the Board, we want to make a note that some of the agenda items involve actions such as those included as apart of TMT CDUA conditions etc.

Because the CDUA is the primary subject of the case currently before the Supreme Court, we wish to request that you honor the role of the judiciary by insuring that Board not grant permission or attempt to move or to act upon any of the action items listed in any of the submittals.

The court is the final arbitrator of all permits issued and because there is the right of appeal (or the right of judicial review) the courts may review the actions of the Board to insure they comport with the laws as written.

Therefore it would not be appropriate to take action on any items that are included as issues before the court. It is our understanding that their shall not be any actions taken, so this is just our formal request made for the record.

We thank you for your time and consideration,
Aloha and Mahalo

/s/ Kealoha Pisciotta

Submitted electronically on January 24, 2018 at 11:30 pm

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:30 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'Roehrig, Stanley H.'; Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Mauna Kea testimony

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Hula Sk8r
Sent: Thursday, January 25, 2018 7:37 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Mauna Kea testimony

Jan. 24, 2018. 7:35 am HST

Dear Members of the BLNR:

I am wrting today to give my testimony in support of the Mauna Kea Protectors and in opposition of the Thirty Meter Telescope on Mauna Kea. I will be brief.

1. There are laws that state that the culturally significant places in Hawai'i need to be preserved. Mauna Kea is the most sacred space in Hawai'i and it has been desecrated. The desecration needs to stop immediately. Not only should there NOT be a thirty meter telescope, there should be NO telescopes on the Mauna. The existing telescopes need to be removed and the Mauna restored as best as possible to her sacred self.

2. The issue of the illegal occupation of Hawai'i for 125 years is still being challenged as it was in 1893. The fact the the International Court in Geneva is sending representatives to obtain Findings of Fact shows there is due cause to address this issue. The people who placed the telescopes on Mauna Kea had no legal right to do so because of the illegal occupation. While resolving the occupation issue will be a complicated one, I believe to the core of my being that it needs to be resolved.

Where else in the world have a people fought "with Aloha", not guns, to regain their rightful kingdom? Ghandi is one of very few examples.

The facts are known to the Hawaiian people now and the younger generation will no longer allow the insults to their people, their 'āina, their culture, and most of all their sacred places.

3. As for the Thirty Meter Telescope, it will not end there. The telescope is only the beginning of the One Hundred Meter Telescope that the astronomers really want on the Mauna. While the interest of science is important it does not need to be done at the sacrifice of such a sacred space.

4. There have already been mercury spills on the Mauna. Mauna Kea feeds several important aquifers that nourish the island and it's people. The negative impact on the safety of the aquifers alone should be reason enough to deny the telescope.

There are other ways to fund STEM programs. STEM programs mean nothing if they serve to destroy the planet.

Mahalo nui loa for allowing me to give my testimony. I pray Akua will guide you in making the right decision.

MeleLani Llanes
Makakilo, O'ahu, Hawai'i

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:35 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; t
'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Mauna Kea and the TMT

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Rusty Wright [.
Sent: Thursday, January 25, 2018 9:09 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Mauna Kea and the TMT

Suzanne Case, Chair
Board of Land and Natural Resources

Re: Mauna Kea and the Thirty Meter Telescope

I am a 50 year resident of Hawai'i, also married to traditional Kumu Hula Pattye Kealohalani Wright. I find after much thought that I (actually both of us) fully support the installation of the TMT on Mauna Kea. Were this a shopping center being built on Mauna Kea, no way. Were this a hotel being built, probably not. Those sorts of projects are a use of the land solely for corporate profit.

But the Thirty Meter Telescope is not that. It is the use of the land for science, and very pure science at that. It is not a launch pad or an atom smasher or anything destructive. It is a place to observe the stars in peace. The Hawaiians had such sites. Kaho'olawe contained such sites. The Hawaiians learned and taught the navigation that took Hōkūle'a around the world from such sites.

I do not accept that the Polynesians who studied the stars for thousands of years to navigate their canoes would not want to study them now.

I followed the voyage of Hokule'a from 1975 onward. The magic of navigator Mau Piailug in guiding that canoe solely by the stars is an absolutely stunning achievement for Polynesia. Mau Piailug — Nainoa Thompson's navigation teacher — earned the title of the Star Man of the Pacific. I fully believe that he would honor the TMT and want to use it, were he alive today.

On a personal level, our small planet Earth is a part of the great expanse of stars out there, not separate from them. Wendelle Stevens once wrote, "I am convinced that the true habitat of man is space itself, that planets are nests where man is born into materiality and matures to leave the nest forever."

We are just entering this Golden Age of Astronomy, enabled largely by the Hubble Telescope. Hawai'i, given one of the best terrestrial sites on the entire planet to contribute to that Age, needs to keep its eyes on the stars and approve the TMT.

**Rusty Kamaka Wright
Kailua, O'ahu, Hawai'i
January 24, 2018**

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:38 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; t
, 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Fwd: [mkaoc] IMPORTANT! Assistance for OMKM this week

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Gwen Biggert [
Sent: Thursday, January 25, 2018 9:12 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Fwd: Fwd: [mkaoc] IMPORTANT! Assistance for OMKM this week

Ms. Case

From my college student son, Nathan Ducasse.

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

From: Nathan Ducasse
Date: Thu, Jan 25, 2018 at 8:49 AM
Subject: OMKS Stewardship
To: Gwen Biggert

Hi Mom,

As someone who grew up in Hawaii, I've been to the summit of Maunakea countless times in my life. I am confident in saying that I would be hard pressed to find any place I've been to in the state of Hawaii with better stewards than UH and OMKM have been for Maunakea and it's ecosystems.

-Nathan

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:41 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; ; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Regarding BLNR meeting 1/26/2018

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Cheryl B [mailto:cheryl.b@hawaii.gov]
Sent: Thursday, January 25, 2018 9:13 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Regarding BLNR meeting 1/26/2018

Aloha

This is a general letter in regard to the BLNR meeting on 1/26/2018.

#1 It is exciting to see that there is follow up and fines happening to tour companies who are on the Mauna. From my own experience, I have seen their misuse of the mauna and facilities. It is my hope that there will be continued diligence in this area and that if they must be there tours will be limited as will their affect on the Mauna.

#2 As for your " non-action" items regarding Mauna Kea:

It is my sincere hope that the BLNR board will truly read, listen and understand all that is presented to them with open minds and critical thinking about what is shared.

For me, as a Euro-American settler living in these islands, I am in constant wonder how people who are entrusted to take care of the land, water and mountains of our islands continually favor paths which lead to the exact opposite. The answers to why you make the decisions you make are quite clear to me, money and power for individuals as well as the State for which you are a part. An example would be the recent contested case hearing for Mauna Kea and your decisions are clear indicators of a path that only points to those two things. For anyone to read the 8 critieria for land use and decide that the telescope meets those criteria demonstrates this complete separation of the BLNR's job to protect our islands with the law.

When I moved back to Hawai'i in 2011, I was given this gift and I would like to share it with you. I was told that "if your feet touch the ground and you breathe the air here" you have kuleana to these islands. I take this very seriously and continue to hold hope that you, BLNR members will do the same.

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:42 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; ; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Office of Mauna Kea Management Honored For Stewardship

FYI
Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Ross Wilson
Sent: Thursday, January 25, 2018 9:16 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Office of Mauna Kea Management Honored For Stewardship

Aloha Chair Suzanne Case!

I'm a Native Hawaiian on the Big Island and I support the job that the Office of Mauna Kea Management is doing to implement the Comprehensive Management Plan and to steward the cultural and natural resources on the mountain.

I'm reminded that outside groups recognize the work that OMKM is doing and has honored OMKM with awards. OMKM won a Pualu Award for Environmental Awareness in 2016 and another Pualu for Historic Preservation in 2017.

In addition, the Historic Hawaii Foundation honored OMKM with a Preservation Commendation last year for its "Long Term Historic Property Monitoring Plan for UH Managed Lands on Maunakea."

The Historic Hawaii Foundation Executive Director was quoted, "The preparation of this plan and implementation of regular, annual monitoring without a statutory requirement demonstrates the Office of Maunakea Management's commitment to stewardship and best practices in cultural resource understanding, protection and preservation. We congratulate you on your exemplary preservation efforts."

OMKM is doing good work on the mountain and I urge you to support OMKM's efforts to continue protecting the natural and cultural resources on Mauna Kea.

Mahalo,

Ross Wilson Jr.
Kailua-Kona

Ron Terry
10 Hina Street
Hilo HI 96720

January 24, 2018

Honorable Suzanne Case, Chair
Board Members
Hawaii Board of Land and Natural Resources
Attn: Board Members
Submitted via email: blnr.testimony@hawaii.gov

Dear Chair Case and Board Members:

**Subject: Agenda of January 26, 2018, Item K. OFFICE OF CONSERVATION AND COASTAL LANDS
NON-ACTION ITEM: 1. Board Briefing on Maunakea Management.**

As you review the OCCL staff report on, please consider my opinion that the Office of Maunakea Management (OMKM) of the University of Hawai'i is doing an excellent job of managing the natural and cultural resources of Maunakea and implementing the 2009 Mauna Kea Comprehensive Management Plan. It is remarkable how they have been able to achieve this given the value and jeopardy of the resources, the many competing stakeholders, and the contentious environment that surrounds every action they need to conduct.

I am familiar with OMKM's management from my role during 2004-2012 on the Mauna Kea Management Board, and my service since then on the Environment Committee. I remember in the late 1990s being part of a team of citizens who ended up retrieving debris from telescope construction on the east side of the summit, after calling DLNR and the University and being told there was no clean-up plan. That type of situation is unthinkable today. From 2000 to 2006 I witnessed, and I hope assisted in some small way, as the management went from haphazard, unsystematic and unaccountable to diligent, focused and professional. In 2000, DLNR and the University lacked a basic inventory of the flora and fauna in the Science Reserve. Today there is a wealth of information acquired through painstaking surveys of the mountain's flora and fauna. World-class research in not only entomology and botany but also geomorphology and climate change is being conducted. Invasive species are probably better managed on Mauna Kea than any other area in the main Hawaiian Islands. The cultural contributions of Kahu Ku Mauna, native Hawaiian advisory council, in assisting in extremely difficult issues such as culturally appropriate offerings, deposition of human remains and rock stacking are truly significant. In the face of tens of thousands of visitors who come for astronomy, hiking, cultural practices, or recreation, OMKM provides a substantial level degree of protection, all the more impressive because of the lack of formal authority for enforcement.

When the Auditor reports that UH has implemented 20 out of 25 of the management actions that were formulated as part of the CMP, it may be hard to appreciate how significant that is. As someone who has worked with DLNR on formulating many of its management plans, I know that implementation is fraught

with budget problems, lack of personnel, jurisdictional conflicts, and lawsuits and contested cases. I would hazard to say that OMKM is making faster progress on its highly ambitious goals faster than any other State agency – although it has been under fire the entire time.

There are many critics of OMKM management, and at the core of many of their criticisms there is generally at least a kernel of truth. But as BLNR members know better than most, there is no such thing as perfect management, in which all goals are achieved, no mistakes are made, and all parties are satisfied. It is important for BLNR to hold OMKM accountable and ensure they do the best they can with the tools they are given. To be proactive, I hope that BLNR can support OMKM in increasing their budget, their authority to manage, and the efficiency with which they can do their job. And when alternate management structures are proposed, I would urge you to take a very careful look at the significant accomplishments of OMKM and carefully weigh whether an alternate structure would truly offer an improvement.

Thank you very much for your consideration of my testimony.

A handwritten signature in black ink that reads "Ron Jerry". The signature is written in a cursive, slightly slanted style. Below the name, there is a small, simple horizontal line with a slight upward curve at the right end, resembling a stylized underline or a flourish.



Mililani B. Trask,
P.O.Box 6377 ❖ Hilo, HI 96720
Mililani.trask@gmail.com



Page 1

Date: January 24, 2018

DATE: FRIDAY, JANUARY 26, 2018, TIME: 9:30 A.M.

PLACE: KALANIMOKU BUILDING: LAND BOARD CONFERENCE ROOM 132
1151 PUNCHBOWL STREET HONOLULU, HAWAII 96813

Aloha BLNR,

This testimony is submitted in behalf of wahine practitioners of Maunakea who have participated in Maunakea ceremonies and events under the name of the Wahine Po Ai Moku/ Wahine Apapalani.

1) The 2017 Annual Report on the Status of the Implementation of the Maunakea Comprehensive Management Plan (CMP:

2)

The CMP has not been implemented because no contract was posted for its implementation. The CMP prepared by Don Chang/Kuiwalu was passed by the BLNR on the assumption that the University, OHA & OMKM would work collectively to implement the recommendations in the CMP. The BLNR did not post an RFP for Kuiwalu or any other contractor to implement the CMP they 'approved'. The assumption of the BLNR was incorrect. Neither OHA, OMKM or the University has undertaken any effort to implement the Kuiwalu CMP.

There have been no "Consultations:" with these parties and lineal descendants and/or Hawaiian practitioners whose rights are specifically addressed in Article XII Section 7 of the State Constitution.

Hawaii Revised Statutes section 171-6-15 which imposes penalties and fines for illegal uses of the Mauna specifically exempts Hawaiians engaging in cultural practices.

It states ... "No person shall be sanctioned pursuant to this section for the exercise of native Hawaiian gathering rights and traditional cultural practices as authorized by law or as permitted by the department pursuant to article XII, section 7, of the Hawaii state constitution". In addition, Act 132 passed by the Legislature in 2009 that gave the University 'Autonomy' in its management of the Mauna specifically provides ... "Access for traditional and customary native Hawaiian cultural and religious purposes shall be accommodated." The University, DLNR and the Science Community have ignored and violated these mandates and consequently have violated Hawaiian Constitutional and Human rights. (UN Declaration on the Rights of Indigenous Peoples, provisions 11, 12 & 25).

The CMP adopted by the BLNR states in Section 2.1.2 (pages 201 to 2-3) states...

“Integrated Planning and Management

OMKM was established in 2000 as the Hawai‘i Island management authority for the UH Management Areas (see Section 3.2). This CMP provides the framework for managing multiple existing and future activities, such as astronomy, recreational and commercial activities, scientific research, and cultural and religious activities. More importantly, the CMP provides a guide for protecting Mauna Kea’s many unique cultural and natural resources. Once the CMP is adopted by the BLNR, it will also provide management guidelines and specific management recommendations to be included in BLNR’s CDUPs.

Updated Planning Guidance. Since its establishment in 2000 OMKM has operated on the basis of the *Revised Management Plan for the UH Management Areas on Mauna Kea* (1995 Management Plan) (DLNR 1995) and the *Mauna Kea Master Plan* (2000 Master Plan) (Group 70 International 2000). The 1995 Management Plan is the current BLNR approved plan for Mauna Kea. The 1995 plan assigns management and enforcement responsibilities for public and commercial use and institutes commercial use and management controls for the UH Management Areas. The 2000 Master Plan, a development planning document, provides the policy framework for the responsible stewardship and use of the UH Management Areas (see Section 3.2).

This CMP reflects the current state of knowledge on cultural and natural resources and the current institutional structure to manage these resources. The CMP also provides a comprehensive vision for protection of the natural and cultural resources on Mauna Kea from impacts that may result from use of the summit area for astronomical research, recreation, and cultural activities. The need for a comprehensive management plan to ensure resource protection was also identified in the audits of the University and their management of Mauna Kea and the Mauna Kea Science Reserve conducted by the Office of the Legislative Auditor in 1998 and 2005 (Office of the Legislative Auditor 1998, 2005) (see Section 3.2).

Rule-Making Authority. Currently the University lacks administrative control to develop, implement and enforce rules and regulations for public activities within the UH Management Areas. This limits its ability to protect resources and bring enforcement actions (see Section 7.2.2). The 2005 audit conducted by the Office of the Legislative Auditor describes the lack of rule-making authority as a management challenge, lists it as the main reason protection of resources is challenging, and recommends that the University obtain administrative rule-making authority (Office of the Legislative Auditor 2005). Statutory authority for the University to implement administrative rules will protect resources and support some of the management actions identified in this CMP that require rule-making authority.

Community Engagement. An important component in resource management is the human community. Mauna Kea is a sacred site to the Native Hawaiian community (Maly 1999; Maly and Maly 2005). Mauna Kea also serves as an important astronomical site, educational facility, and recreational area. These human uses of the environment can directly conflict with the protection of cultural and natural resources. This CMP

recognizes Mauna Kea's importance from both the cultural and natural standpoints while also attempting to provide for evolving astronomical use. Stakeholder cooperation in the Page 3.

long-term management of Mauna Kea's resources is therefore essential. As a result, this plan offers processes for on-going education and community consultation in the management of the UH Management Areas. These processes to engage the community is important for successful implementation of the CMP as well as rebuilding trust between stakeholders and the University and ultimately sustaining the resources for future generations (see Section 2.3.1 and Section 4). ”

The Record reflects that none of these critical recommendations have been implemented. Specifically: None of the ‘management guidelines or specific management recommendations have been implemented; there has been no “ongoing community education & consultation” which the CMP says is “essential”, and no Administrative Rules have been passed or adopted to date. ***The 2027 State Audit of the Mauna verifies that no Administrative rules have been passed because none have been taken out for ‘public hearing’ because Governor Ige refuses to approve & sign off on the public hearing process!***

2) Update on decommissioning plans for Maunakea observatories:

The State paid thousands of dollars for a contracted Decommissioning Report & Plan (DRP) for Maunakea. It was prepared by Sustainable Resource Group International for OMKM and completed in January 2010. Section 2.2.1 of the DRP states...

“The existing subleases do not provide details about the decommissioning process. A process is outlined as part of this Decommissioning Plan in the form of a Site Decommissioning Plan (SDP) (see Section 4). In accordance with the Mauna Kea CMP and this Decommissioning Plan, it is recommended that existing sub-lessees develop SDPs. If sub-lessees develop the SDP as described, they will ensure that all elements of the deconstruction and site restoration process adhere to all applicable statutes and local ordinances and are coordinated with and approved by UH and DLNR.”

This Statement is true – there is no decommissioning process in the leases or in the Report, consequently there are no SDP's that have been developed, there are no timelines to decommission any telescope on the Mauna, and there is no funding to pay for the deconstruction & decommissioning of telescopes on the Mauna. The BLNR & OMKM have never required that commercial users maintain decommissioning accounts to ensure they have reserve funds to cover costs for deconstruction or decommissioning.

3. Update on the status of proposed revisions to the Maunakea CMP

Wahine practitioners are not aware of any “proposed revisions” to the Maunakea CMP. NO RFP has been posted nor has any contract been awarded for this work. No public meetings, public hearings or consultations have occurred or been called for this purpose.

4) Update on the status of proposed Administrative Rules for Maunakea

There are no Administrative Rules for Maunakea and although several State Audits have commented on this (16 years) the State has failed to create Administrative Rules for the Mauna.

In 2014, the State Auditor (citing Act 132 , 2009) noted, “Administrative rules governing public and commercial activities on Mauna Kea lands are necessary to provide effective protection of cultural and natural resources from certain public activities, and to help ensure public health and safety. Examples of public and commercial activities to be governed by administrative rules include general access to sensitive resource areas, such as specific and off-road vehicle management and control; alcohol consumption; recreational activities; and commercial tour activities.”

The auditor found that the University and Office of Maunakea Management (OMKM) had not implemented any of their own studies, reports or plans because they have refused to establish rules to implement these plans. Consequently, the Mauna has not been protected these many years, nor have there been rules to facilitate Hawaiian cultural practices guaranteed by the State Constitution & Laws. During this time, development proceeded to a point that it exceeded the carrying capacity of the Mauna and its unique environment. The last Comprehensive Management Plan called for development to cease after 13 permits for telescopes had been awarded, today there are 22 structures on the Mauna!

In report No.17-06 dated July 2017, the State Auditor confirmed that there were no Administrative Rules for Maunakea. It states at page 6) ...

“Recommendation 1: UH should adopt administrative rules governing public and commercial activities as soon as possible, but no later than 2017.

Partially Implemented

Comments - UH completed the drafting of administrative rules and was prepared to begin the necessary public hearing process. However, at the request of the governor, who must authorize the initiation of public hearings for the draft rules, UH has temporarily halted the process of finalizing such rules.

Target Date : Per UH, the estimated date of completion cannot be determined at this time. ”

1) 4.1 Maunakea Reasons why DLNR & the State System have not adopted Administrative Rules for Maunakea

There are two reasons why no Administrative Rules have been drafted & adopted for Maunakea.

The first is that millions in lucrative profits are being made by private commercial lease holders who contribute to political campaigns. These folks pay 2 million every 4 years in rent (according to the State Auditor) but bring in 4-5 million per year in profits. The State Auditor has never reported on this & has limited its comments to income paid to the University.

The Second reason is that the DLNR & State system do not want to accommodate Hawaiian Constitutional and cultural rights. The DLNR has condoned the posting of armed threats against Hawaiians by their own staff and has appropriated more than \$50,000 in State funds to purchase automatic weapons , shotguns and ammunition for use against Hawaiians seeking to worship on the Mauna. The DLNR supported legislation to arrest and jail Hawaiian practitioners last session which the ACLU and OHA noted was specifically created to target Hawaiian practitioners.

5) Update on the status of the EIS for new land authorizations on Maunakea:

Wahine practitioners attach their response to Senator Kai Kahele. We do not support the current effort of the State Administration, University and DLNR to allow Commercial Science and local politicians to escape their obligations under existing leases to address and rehabilitate the Mauna and its cultural and natural resources which have been degraded and seriously damaged.

The current effort, supported by Ige, Kim, DLNR and the University is to cancel existing leases so there is no longer any obligation on the part of lessees to address and pay for rehabilitation of the Mauna & its cultural sites. The State will the issue the offenders another 65 year lease. The “election year deal” allows the guilty parties to return 10,000 acres of degraded land & damaged & destroyed cultural resources to the State so that county & State tax payers are stuck with the costs. The State & DLNR as well as the University want to ignore the fact that State law was & continues o be violated by the Inouye deal that violated State law requiring telescope operators to pay rent at market value based on appraisals.

See attached Exhibit A.

Hawaiian Wahine Practitioners:

Mililani B. Trask and Wahine Po Ai Moku/Wahine Apapa Lani

Phone: 808-990-05219

To: Senator Kahele, & Sir Paul Neves (ROC)

Aloha Kai and Paul,

12-13-17

I am forwarding this email to thank you two for sponsoring the kuka session on December 9th, 2017 re: the future of Maunakea. I was happy to participate and thankful for your leadership regarding this controversial matter. For the last 2 years we have waited for OHA, DLNR, the University and Governor Ige to move some initiative for conflict resolution on the Mauna forward, but despite many promises, nothing as emerged. Many were happy when OHA announced the creation of the Maunakea Ad- Hoc Committee because Hawaiian practitioners wanted to participate in a resolution of the problems and to protect the Mauna After the Committee was formed we were told that OHA had chosen an Ad Hoc Committee to prevent Beneficiaries from attending and to ensure there would be no minutes made available for us to review! Thank you folks for your effort & for including me.

Nearly two years ago we learned that the OHA/University group had given a no-bid contract to the EKF for a plan for the Mauna. We have never received a copy of this document although Hawaiian & public trust funds were used to pay for it. As I understand it, the EKF Plan was withheld so it could be unveiled later as the 'Cultural Solution' for the Mauna. On the 9th I learned that some people at the meeting had a copy of the document, I would like a copy to be forwarded to me and request it be made public so that I and others can consider & review it now.

As I mentioned at the gathering, I am a founding member of MaunaKea Anaina Hou and was personally involved in the initial Contested Case proceedings. I was involved when the Sacred Temple Report came out 17 years ago and at that time, I supported the recommendations for forming an Authority to oversee the Mauna. In the intervening years we have seen increased degradation of the Mauna and increasing arrests of Hawaiian practitioners. The State Auditor has repeatedly found violations of State law (Commercial Leases, Administrative Rules etc.) but no corrective measures have been implemented. Creating another Authority comprised of people and agency representatives who have failed to protect the Mauna these past 17 years is not likely to resolve existing problems.

The recommendations in the Temple Report do not address critical matters and consequently I cannot support them, or the creation of a new Authority. I am forwarding this to some of the attendees and yourself, requesting that you folks consider the following:

1. In the last 20 years the Mauna has been seriously and negatively impacted by the science developments on the Mauna. The problems with invasive species (plants, animals and insects) lack of fencing, water diversion etc. is now out of control and there is no comprehensive environmental plan on-line to address these matters. In addition, because State law was violated and the Commercial Science users did not pay rent these many years, there is no

funding available for emergency planning and meetings at this time. The situation is further complicated by the fact that the UH, Commercial Science folks and State players (Ige, DLNR, OMKM etc./) are all insisting that the existing leases be terminated and new leases be issued extending beyond 2033, the date when the existing leases terminate. The pressure is on to create a 'new authority' this Leg Session and election year, to oversee the Mauna in perpetuity – without ensuring that existing funding and corrective measures are defined and mandated by overarching legislation.

2. The State Legislature should instead pass amending legislation that requires that all Commercial users begin to immediately pay rent as required by law and set by an independent market appraisal. The legislation should require that all funds collected are held in a Maunakea Rehabilitation Fund utilized specifically and exclusively for the environmental and cultural needs relating to the Mauna. (See section 4 & 5 below).
3. The existing leases require Decommissioning plans for the Telescopes, but none actually exists. The current Decommissioning Report does not decommission anything and does not provide the funding for Decommissioning or any timetable for the work to be undertaken. Consequently, corrective legislation should mandate that all current commercial science users create a Decommissioning Account into which they deposit an annual fiscal contribution of 10% of their commercial proceeds specifically to cover decommissioning costs at the termination of their existing leases in 2033. Because this has not been done, there is no actual funding to implement the Decommissioning & cleanup obligations in existing leases and the burden for these costs rests upon the County and State tax payers!
4. For two years there has been an ongoing effort to create and pursue an environmental plan for the Mauna. This effort is being pursued by many practitioners. It incorporates the input from the Homestead planning effort undertaken a few years back as well as the work & input of Ki'ai employed by DLNR & DHHL. I support these efforts and recommend that they be supported with Rehabilitation Fund resources allocated for expanded discussions, meetings and planning. Kualii Camaro and Lakea Trask-Batti are involved in this work as well as others who should be included. We need an Environmental Consultation for this which should also involve our island Sierra Club folks, (Ward & Ho) who attended the initial Kuka on December 9th. The concerns set out by Ward include critical matters impacting the Conservation District and Mauna natural resources.
5. The Constitutional and Human Rights of Hawaiian practitioners continue to be a huge problem. For years we have requested Island wide Cultural Consultations so that a process to protect and accommodate Hawaiian practices and Rights can be drafted and implemented. This has not occurred,

consequently we do not have the baseline data to determine the nature of the practices being pursued or their location for cultural mapping needs. Instead the DLNR and State Legislature have supported funding to purchase weapons for 'domestic terrorists'. The ACLU and OHA presented testimony against the States new law, crafted to facilitate the arrest and jailing of Hawaiian practitioners on Maunakea. Funds from the Mauna Rehabilitation Funds are needed for this critical effort. The second exclusive use of the Maunakea Rehabilitation Fund is for addressing and resolving Hawaiian cultural issues and drafting procedures to protect Hawaiian Rights including access to worship the Akua.

6. Finally, I agree with you that the KIRK-Kahoolawe Authority Model is applicable. The KIRK Model did not come from the State Legislature, it came from the Federal District Court Order after years of litigation. The Legislature was compelled to implement the KIRK, but years later (in recent years) the Legislature had to investigate & make changes to the KIRK because of problems arising from and involving the oversight "Authority" and the people running it! Lets not repeat history.

The proposal that 10,000 acres be 'returned' to the State allows Commercial Science and the University to escape their obligations to rehabilitate these lands that are in a terrible state of mismanagement & degradation. This harm needs to be addressed and paid for by those responsible who have for years benefitted from use of these public lands & resources for free! These Commercial users have made hundreds of millions of dollars in direct violation of State law as verified by the State Auditor.

We have reached consensus on and agree that the current system in place is not working. We need to devise a better system, not to create another "Authority" to pass the buck to in this election year. Our State has lost millions in critically needed revenues because of a bad political deal made years ago. It's time to correct the situation.

Again, I thank you folks for your efforts & look forward to working with you on these matters. We can protect and preserve the Mauna for future generations.

Please email me the Temple Report and graphic. I will be sending this out to others who attended and am also requesting the contact information but do not have the contact for all. Please forward this on to those who attended the session so all will be informed.

Aloha,
Mililani

Jan. 25th, 2018

Dear Members of the Board of Land and Resources Management:

I am writing to provide testimony of the excellence of the Office of Maunakea Management (OMKM) in balancing astronomy, cultural heritage, and the ecosystem on Maunakea. I received my PhD in Astronomy from the University of California, Berkeley (2016). I am currently the Trottier Postdoctoral Fellow at the Institute for Research on Exoplanets at the University of Montreal.

During my PhD, I frequently used the W. M. Keck Observatory on Maunakea. My research focuses on measurements of extra-solar planet properties to address questions about how planets form. My experience of conducting research on Maunakea and at other sites has shown me that Maunakea is the best site for astronomical research in the world. The clear weather; dry, tranquil air; and dark skies of Maunakea make it better than any other site. The outstanding conditions at Maunakea, in combination with the superior design and maintenance of the Keck telescope, have helped me and my team characterize the properties of 2,025 extra-solar planets and their host stars. From this collection of data, we determined that small planets come in two sizes—a discovery that made the [New York Times front page](#).

In the words of master navigator Kalepa Baybayan, “The next journey for humanity and mankind is the continued exploration of the universe.” Maunakea is our most powerful ship for crossing the ocean of the heavens. Its role as the home of astronomical observatories is essential for fulfilling our shared human dream of exploring the universe.

Careful stewardship is essential to allow the astronomy programs to flourish while protecting the cultural heritage and unique environment of Maunakea. The Kona-Kohala Chamber of Commerce honored with the 2017 Pūalu Award for Culture and Heritage for its achievements in cultural heritage protection. OMKM has developed a Long Term Historic Property Monitoring Plan to systematically monitor 260 historic properties on Mauna Kea containing over 1,000 artifacts. The Kona-Kohala Chamber of Commerce also awarded OMKM the 2016 Pūalu Award for Environmental Awareness. OMKM conducts annual surveys to monitor the population of the potentially vulnerable wekiu bug that inhabits Maunakea. OMKM also removes invasive weeds to protect the natural flora.

Maunakea is one of the great treasures of the Earth. It is a treasure for astronomy, for Hawai’ian culture, and for the Hawai’ian ecosystem. We are fortunate that OMKM has already accomplished so much in maintaining and elevating the greatness of Maunakea.

Sincerely,

Lauren M. Weiss

Lauren M. Weiss

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:03 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; 'hawaii' 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: BLNR Testimony

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

-----Original Message-----

From: Cari-Rose Aquino [mailto: .com]
Sent: Thursday, January 25, 2018 6:04 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: BLNR Testimony

> Chair Case and Land Board Members,
>
> I write in support of the management efforts put forth by Office of Maunakea Management.
>
> I am native Hawaiian and first generation to finish college in my family. I am also proud graduate of Kamehameha Schools.
>
> I have heard a lot of unfounded grumbling about the management of the
> mountain. This is very unfair to The Office of Maunakea management. OMKM has no enforceable rules for the mountain, mostly because it cannot get the state of Hawaii to allow it to adopt commonsense rules. Everyone knows not to bring the 2 Wheel Dr. cars up to the summit but yet people do because there's no enforceable law or rule preventing it. It's time the State allows this agency to adopt rules for the safety of everyone, regardless of their intended use of the mountain.
>
> The UH managed lands on Mauna Kea are well cared for by the efforts of OMKM.
> Other state agencies, individuals and people who just want to perhaps make a landgrab, falsely accuse OMKM of mismanagement that happened nearly 20 years ago.
>
> Let's talk about the instrumental management efforts that OMKM has been doing. It's completed nearly every one of the 25 management action steps of the CMP. Let's applaud that.
>

- > They have been organizing invasive weed pulls since 2012 where over one thousand people have had a chance to come up and help malama the mountain. That's worth applauding.
- >
- > I'm not so sure other state agencies could come near to the level of successful management like OMKM has.
- >
- > I am also speaking out against the land power play OHA seems to be making. They have their own state audit issues and should stick to those.
- >
- > OMKM has been recognized with three awards for management practices
- > and everyone in the state should be supporting and applauding this
- > agency for its commitment to manage our mountain
- >
- > Thank you for accepting my support.
- >
- >

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 9:27 AM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes' Roehrig, Stanley H.;
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael
Subject: FW: Office of Mauna Kea Management
Importance: High

FYI

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Mary Begier [mailto: .com]
Sent: Thursday, January 25, 2018 6:06 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Office of Mauna Kea Management
Importance: High

Aloha Board Chair Case and BLNR members,

The non-action item on your agenda for 1/26 focuses on the implementation of the Maunakea comprehensive management plan, CMP.

My testimony to you centers on OMKM and its commendable ability to listen to the diverse community members of Hawaii island. The agencies commitment to address broad and diverse users of the mountain is demonstrated by informational presentations that teach our island community about the mountain through diverse learned academia. The Mauna Kea Speaker Series is a monthly scholar presentation about many different sciences of the mountain. It is a well thought out community opportunity to learn, and OMKM should be applauded for this effort.

Another action step that reflects sustainable management energies on the UH lands of Mauna Kea is the award recognized Saturday volunteer invasive species weed pulls that given all of us an opportunity to work for a common good. This effort has truly reached me personally and introduced me to many other people on the island that I may never have met or worked beside otherwise. OMKM has brought together all kinds of community to work together for a common cause, to take care of the mountain we all love. OMKM should be highly recognized and acknowledged for their stellar effort.

As you know there have been and will likely continue to be stress in relationships surrounding the use of lands on Mauna Kea. Having opportunities to develop friendships' in such a healing fashion as caring for Mauna Kea has gone a

very long way to nurture our collective ohana's. I know many people that are very grateful and respect that it is our great Mauna Kea that has provided a coming together.

I will continue to malama Maunakea by staying involved and putting my commitment to community cultivating into these OMKM efforts. I hope you will too.

Mahalo for your time,

Mary Begier, Realtor®, CRB, CRS

Principal Broker

Mary Begier Realty RB-14405

**Where your real estate transaction is
just as important to us as it is to you!**

Big Island Off. 808-935-0737

Honolulu Off. 808-733-5562

Toll Free 800-728-8555

Talk/text 808-348-5831

January 25, 2018

Suzanne Case, Chair
Board of Land and Natural Resources
Kalanimoku Building
1151 Punchbowl Street
Honolulu, HI 96813

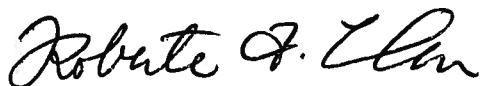
RE: Office of Maunakea Management's stewardship efforts on Maunakea and implementation of the CMP

Dear Ms. Case,

I am a Hilo resident and a member of a fourth generation family on Hawaii Island. I have been involved in Maunakea issues since my Chair person role at Hawaii Island Economic Development Board and its support of the Keck Outrigger project. Since inception, I believe the Office of Maunakea Management ("OMKM") has successfully implemented the Comprehensive Management Plan and is protecting the cultural and natural resources of Maunakea. I also believe the University of Hawaii managed lands on Maunakea are the best managed lands in the State of Hawaii because of the conscientious efforts of OMKM. OMKM was formed and pursued by the Hawaii Island Community and is a model of good stewardship for other state agencies to replicate.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, reading "Roberta F. Chu". The signature is written in a cursive, flowing style.

Roberta F. Chu
478 Kipuni Street
Hilo, HI 96720



LiUNA!

**TESTIMONY OF RYAN K. KOBAYASHI
GOVERNMENT AND COMMUNITY RELATIONS DIRECTOR
HAWAII LABORERS UNION LOCAL 368**

PETER A. GANABAN
*Business Manager/
Secretary-Treasurer*

ALFONSO OLIVER
President

JOBY NORTH II
Vice President

TONI FIGUEROA
Recording Secretary

JAMES DRUMGOLD JR.
Executive Board

ORLANDO PAESTE
Executive Board

JOSEPH YAW
Executive Board

MARTIN ARANAYDO
Auditor

RUSSELL NAPIHA'A
Auditor

MARK TRAVALINO
Auditor

ALFRED HUFANA JR.
Sergeant-At-Arms

RE: THE OFFICE OF MAUNA KEA MANAGEMENT

ALOHA COMMITTEE CHAIR SUZANNE CASE, AND BOARD MEMBERS,

My name is Ryan K. Kobayashi, Government and Community Relations Director for the Hawaii Laborers Union Local 368. The Hawaii Laborers Union is made up of over 5000 working and retired members across the State of Hawaii.

I am writing to offer support for the efforts the Office of Mauna Kea Management in managing the summit of Mauna Kea. We feel that the University of Hawaii has been diligently implementing the Comprehensive Management Plan, including ensuring all those who work on the mountain go through an orientation every three years, including our members, the Laborers. In addition are vehicles must past inspection before venturing up the mountain in an effort to prevent the introduction of invasive species.

We find these and other management measures help to ensure we preserve the resources on the mountain.

Sincerely,

Ryan K. Kobayashi
Government and Community Relations Director
Hawaii Laborers' Union, Local 368

LiUNA Local 368
1617 Palama Street
Honolulu, HI 96817
Phone: (808) 841-5877
Fax: (808) 847-7829
www.local368.org

Feel the Power

Cain, Michael

From: DLNR.BLNR.Testimony
Sent: Thursday, January 25, 2018 4:23 PM
To: Case, Suzanne D; Sam Gon; 'Jimmy Gomes'; ; 'Roehrig, Stanley H.';
Chris Yuen; 'Keone Downing'
Cc: Wynhoff, Bill J; Lemmo, Sam J; Cain, Michael; Moore, Kevin E; Smith, David G; Farrell, Robert J
Subject: FW: Testimony on OMKM's management of Maunakea

FYI- Support
Last one for today.

Darlene S. Ferreira
Land Board Secretary
Office of The Chairperson
Board of Land and Natural Resources
Kalanimoku Building, Room 130
1151 Punchbowl Street
Honolulu, Hawaii 96713
Phone (808) 587-0404
Fax (808) 587-0390
<http://www.dlnr.hawaii.gov/meetings>

From: Thayne Currie [mailto:thayne.c@hawaii.gov]
Sent: Thursday, January 25, 2018 10:46 AM
To: DLNR.BLNR.Testimony <blnr.testimony@hawaii.gov>
Subject: Testimony on OMKM's management of Maunakea

Dear Members of the Board of Land and Natural Resources:

I write to express my support for the stewardship of Maunakea by the Office of Mauna Kea Management. I am an astronomer by vocation and a frequent visitor to the summit of Maunakea since 2006. The past 11 ½ years have provided me ample opportunities to witness OMKM's ability to care for and manage Maunakea.

I firmly believe that OMKM excels at the exceptionally difficult task of managing and protecting the natural and cultural resources of Maunakea, while providing an unrivaled center for scientific discovery through astronomical research and safe access to the summit for a wide range of visitors. I have found OMKM personnel to be highly professional and knowledgeable about the many facets of Maunakea that Hawai'i residents value.

Any fair-minded assessment would also conclude that OMKM is diligently implementing recommendations made by the 2014 auditor's report, as described last summer in "Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve"). The report concludes that as of last year 4 of the 7 currently-applicable recommendations have been implemented at least in large part. Many of the non-implemented recommendations are held up by other agencies/offices, not OMKM. For instance, the completion of Recommendation 2 hinges on feedback received during the administrative rules process which must be initiated by the governor's office. Even then, there is new progress. For example, the University has now completed draft administrative rules (previously stalled by the governor's office) which have been approved and reviewed by Kahu Ku Mauna and MKMB.

I feel as if the community at large acknowledges OMKM's stewardship of Maunakea. The Kona-Kohala Chamber of Commerce has now twice honored OMKM with its Pūalu Award, in 2016 for its innovative, community-focused activities focused on environmental

protection and last year for the agency's Long-Term Historic Property Monitoring Plan. The Historic Hawaii Foundation likewise lauded OMKM its protection of cultural resources through this plan.

Astronomy is tangibly valuable to Hawai'i and is treasured by the vast majority of the people who live and work on this island. The observatories employ our neighbors and provide educational opportunities for our children, both Hawaiian and non-Hawaiian. Within our community, the telescopes are not just seen as a means by which we explore the universe but as a source of deep personal pride.

Likewise, Maunakea is revered by so many in Hawai'i. It is special to me as well, both professionally and personally. It must be protected and its cultural and natural resources preserved. While Maunakea could always be managed a bit better (e.g. the new administrative rules should be swiftly adopted), I am thankful for the dedication and expertise of OMKM personnel who excel at protecting this special place.

Sincerely,
Thayne Currie
Subaru Telescope