



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
Senate Committee on Water and Land
Senate Committee on Ways and Means
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by
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HB 1985 HD1 Proposed SD1 – RELATING TO LAND USE

Chairs Kahele, Rhoads, and Dela Cruz, Vice Chairs Kim, Gabbard, and Keith-Agaran, and members of the committees:

Thank you for the opportunity to provide official University of Hawai'i testimony regarding HB 1985 HD1 Proposed SD1. Respectfully, the University of Hawai'i (UH) cannot support this bill as written and as proposed to be amended.

The University of Hawai'i is not averse to change and has consistently and publicly expressed our willingness to consider alternate models of management for Maunakea. When legislators became interested in crafting a completely new approach, we expressed an openness to consider their proposals, which is consistent with the formal public position of the Board of Regents to move to a more collaborative model of management. We have consistently provided public testimony on the language from SB 3090 that has now been inserted into this bill. UH is also in regular conversation with Hawai'i Island Mayor Harry Kim and we are inspired by his vision to make Maunakea a global exemplar of peace and harmony where indigenous culture and the best science in the world coexist synergistically.

Fundamentally, we believe the new draft of House Bill 1985, and Senate Bill 3090, are based on a premise that is not correct, that the current management structure has failed and must be completely replaced. In fact, the 2014 State Audit reported that "We found that UH has developed several management plans that provide a comprehensive framework for managing and protecting Mauna Kea while balancing the competing interests of culture, conservation, scientific research, and recreation."

The complexity of balancing these competing interests is probably more of a challenge on Maunakea than anywhere in Hawai'i, and University of Hawai'i has not shied away from its responsibilities over these past years as we have developed plans and subplans with deep community consultation that have been approved by the Board of Regents and Board of Land and Natural Resources in full sunshine.

As a result of this work, UH stewardship of Maunakea was honored in 2017 with the highest recognition of preservation, rehabilitation, restoration and interpretation of the state's architectural, archaeological and cultural heritage from the Hawai'i Historic Foundation. In addition, the Kona-Kohala Chamber of Commerce honored UH with the 2017 Pūalu Award for Culture and Heritage for practices that promote island traditions and preserve multi-cultural heritage, and the 2016 Pūalu Award for Environmental Awareness for exhibiting sensitivity and concern for the environment through innovative environmental practices.

The extremely critical 1998 Audit was based on an assessment of roughly the first 30 years of stewardship since the beginnings of astronomy on Maunakea through the 1990s. Since that time, UH has created open, transparent and increasingly effective processes. We are proud of the dedicated work of our rangers, the volunteer Maunakea Management Board, the volunteer Native Hawaiian advisors of Kahu Kū Mauna, the Office of Maunakea Management and the 'Imiloa Astronomy Center. All of these are part of our work to manage and preserve, to educate and discover. There is of course more to be done and we are actively working every day to continue to improve.

With the foregoing in mind, here are just a handful of key high-level concerns about HB 1985 HD1 as proposed to be amended by SD1:

- 1) The bill does not establish a clear vision and commitment that astronomy and culture must coexist and thrive on Maunakea. Without that fundamental underpinning, whoever is responsible for stewardship will be accused of failure by those who do not accept both.
- 2) Significantly, the bill would result in a dramatic increase in the cost of management, even if the members of the new Authority will not be paid. There will still be a need to fund all the new executive positions, and all the new staff to work with the Authority members and executives. The bill and proposed SD1 do not explain the questionable premise that all these new costs can be covered by extracting more dollars from a smaller number of observatories, especially when the SD1 references the possible elimination of all commercial tours to the summit of Maunakea by January 1, 2020.
- 3) The complete exclusion of the University from direct involvement with management decisions concerning the education and research mission associated with Maunakea would likely result over the long-term in the loss of inspiring astronomical science and engineering in Hawai'i, and an associated decrease in economic investment and vitality. Notably, the bill lacks any requirement that the Authority ensure telescope viewing time is made available for Hawai'i astronomy students and faculty at both the Hilo and Mānoa campuses, or for the public. Without the commitment of local viewing time, the State's interests in astronomy will be reduced to a monetary-based financial landlord relationship.

4) The monetization of Maunakea that would result from the bill as currently written and proposed to be amended would be antithetical to the vision that has provided the basis for the development of world-class astronomy on Maunakea. From the outset, pursuant to the vision of Governor Burns and the Hawai'i Island community, the State adopted the policy that if astronomy was to come to Hawai'i, then the people of Hawai'i, through their University, would be full participants in the scientific endeavor and not simply landlords and bystanders. This basic philosophy led to the creation of the Institute for Astronomy (IfA) and of the Mauna Kea Science Reserve, with its specified purpose as a UH-managed asset for scientific research, in particular astronomy. Accordingly, the relationship between the University and the other observatory organizations was deliberately developed as that of a scientific partnership and only secondarily as a landlord-tenant relationship. Under the bill, the Authority would be a landlord, expected to extract all necessary financial support for its operations from revenues assessed to a declining number of observatories and some unspecified level of commercial tour operations.

5) The Maunakea observatories have expressed strong concerns about this bill in prior testimony to other committees. They have advised that to maintain funding support for their endeavors they need strong commitment and clear stability regarding the future of Maunakea astronomy. This bill creates substantial uncertainty regarding the State's commitment and creates the expectation of unknown but significantly rising costs to them. Loss of investment in astronomy would have tremendous negative economic impact on Hawai'i Island with impacts statewide, as astronomy is a significant employment, education, and economic driver for both. The Maunakea observatories and the University's activities on Maunakea directly provide approximately 500 clean high-tech industry jobs, only a small fraction of which are for astronomers; most are for technical, administrative, and logistic services. According to UHERO's 2014 report on the Economic Impact of Astronomy in Hawai'i, documenting the direct and indirect impacts of astronomy to the State's economy, the "astronomy sector is a significant contributor to Hawaii's economy," and astronomy's output statewide was "roughly equal to half of the output estimated for the agriculture, forestry, fishing, and hunting sector."

6) Although we appreciate the requirement that one Authority member be an expert in astronomy, we would prefer that expert to have experience with operating an observatory on Maunakea. The current language requires that the astronomy representative must not be currently employed "at an astronomy facility" associated with Maunakea or the IfA. "Astronomy facility" is undefined; this could potentially disqualify any working astronomer from membership on the Authority. Having IfA, UH Hilo and Maunakea observatories representation on the proposed 11-member candidate advisory council that will vote in secret does not sufficiently alleviate our concerns. Similarly, although we appreciate that advisory committees are to be created to advise the Authority on science, education and astronomy, as well as other areas, the roles of

such committees is not clear, thereby accentuating concerns that the nine-person Authority may lack relevant experience or commitment.

7) As a matter of sound and productive governance, we would urge the Legislature to reconsider the proposed structure under which individual members of the Authority are selected to each represent a very specific stakeholder group. We believe that this structure will result in a fractured Authority in which each member will carry the expectation of solely representing their own perspective. A successful Authority would be structured to collaboratively advance a synergistic and integrated vision in which astronomy, culture and education flourish together on Maunakea to honor and advance the people, culture, history, 'āina and achievements of the people of Hawai'i.

Being unable to support this bill as currently written does not mean the University is opposed to change. In fact, the opposite is true and that is why we share these concerns. At the same time, we are continuing to move forward. We have reinitiated the process for adopting administrative rules per Governor Ige's request and are in active consultation as required prior to going to public hearing. We have published our Environmental Impact Statement preparation notice seeking a new land authorization to ensure a thriving future for astronomy in Hawai'i. Internally, we are conducting an internal financial management audit per Board of Regents resolution and are now planning how we can restructure our internal programs to make them more efficient, clear and accountable. We are also planning how to best increase the synergies between science and culture, including for visitors and workers on the mauna. We will continue to engage with the Mayor of Hawai'i Island and the Governor around ideas and initiatives for improvement. And we would be happy to engage meaningfully with the Legislature if the Legislature is interested.

But we are not sitting idly by waiting for the Legislature or the Mayor or someone else to create a positive path forward for Maunakea and Hawai'i. Even as we collaborate with others, we are working toward the long-term improvements in management that will be needed for the next stages of collaborative stewardship under any model. This is all completely consistent with the activities we must and will undertake as we begin to update the Comprehensive Management Plan for Maunakea, as is necessary for any living document to usefully serve in a highly dynamic and complex environment.

Thank you for this opportunity to submit testimony.