



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committees on Higher Education and Water and Land  
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by  
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### SB 3090 Proposed SD1 – RELATING TO GOVERNMENT

Chairs Kahele and Rhoads, Vice Chairs Kim and Gabbard, and members of the committees:

Thank you for this opportunity to offer testimony on SB 3090 Proposed SD1. While UH supports the Legislature's interest in working with the community toward an inclusive vision for Maunakea's future and an appropriate collaborative management structure, we cannot support the specific measures being proposed here, and therefore must respectfully **oppose** the bill in its current (and proposed SD1) form. Our reasons for taking this position are outlined below.

#### **Lack of Justification for Proposed Changes**

The bill appears to be based on an assessment that current UH management of Maunakea is not only inadequate but also essentially beyond repair. However, the bill does not mention any specific criticism of UH management, and it offers only a two-sentence justification for the proposed sweeping changes:

*Since 1998, four audits by the state auditor have been critical of the management, stewardship, and protection of Mauna Kea. Although significant changes have occurred on Mauna Kea since the 1998 audit, negative experiences over the past 50 years have eroded public confidence and demonstrated the critical need for fresh leadership centered on a new organizational structure, management system and procedures.*

A careful reading of the recent audits will reveal that the "significant changes" are in fact ongoing major improvements in management by the University. Granted there is still more to do, but none of these audits suggests that UH is either unable or unwilling to complete these requirements. And none of them suggests that scrapping the current UH management should be considered. So although some individuals may have lost confidence, the auditor certainly has not, and in our experience the vast majority of the general public has not either.

The controversy over astronomy development, and most recently over the Thirty Meter Telescope, is sometimes cited as a symptom of bad management. We do not agree with this diagnosis. This controversy is very real, but it arises from a fundamental disagreement about the appropriate use of Maunakea, and that is a matter of policy and vision not a matter of management in the usual sense of that term -- i.e. where management is the implementation of policy, but not policy itself.

### **Lack of Vision Regarding the Future of Maunakea**

Respectfully, the bill lacks a clear vision of the intended Maunakea future that the new management authority would be expected to promote, nurture, and defend.

The current vision of Maunakea arose in the mid-1960's, when Governor John Burns responded to an initiative from Hawai'i Island residents to establish astronomy on Maunakea as a new source of economic activity after the 1960 tsunami that devastated downtown Hilo. The University was identified as an essential partner in this undertaking, and as the local home for the associated research enterprise. From the outset, the State adopted the policy that if world-class 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 and of the Mauna Kea Science Reserve, with its specified purpose as a University-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. Benefitting from this scientific partnership, the University has developed into one of the world's pre-eminent centers for astronomical education and research. At the same time, the growing quality of the University's astronomy program and its advocacy for Maunakea attracted the world's premier new telescopes to Hawai'i, the most recent example of course being the TMT.

The Maunakea observatories have played an essential role in almost every major astronomical discovery of the past 40 years. It is the symbiotic relationship between the unique qualities of the Maunakea site and the scientific excellence at the University that has produced the remarkable astronomy development on Maunakea. Without this relationship the initiative started by Hawai'i Island residents and championed by Governor Burns might well have failed, and even if it had proceeded, the scientific and educational benefits would have gone almost entirely to out-of-State interests. Thanks to the vision of Governor Burns and Hawai'i Island residents, astronomy on Maunakea is providing not only the above mentioned intellectual benefits but also a positive economic impact on Hawai'i Island amounting to over 800 jobs and \$92 million.

We believe that the above vision for astronomy on Maunakea, and especially the essential role played by the University, has served both the people of Hawai'i and the worldwide astronomy community very well over the past 50 years. We feel strongly that these key policy aspects should be continued into the future, and we are thus greatly concerned not to see any suggestion of this in the bill. In fact, to the extent that the bill does suggest a vision, it seems to focus on commercialization of the mountain and a landlord-tenant relationship with the entities operating there -- something very different from the original Hawai'i Island / John Burns concept.

### **Questionable Proposed Governance and Management Structure**

Without a clear vision of the intended Maunakea future, it is simply not possible to define the required governance and management structure, or to establish criteria for assessing that structure's performance. According to the bill, a key requirement for membership in the proposed Mauna Kea management authority is that the members be what we would describe as disinterested. If a clear vision were defined, then we could accept that a group of disinterested but otherwise capable individuals could provide adequate governance, although a group of stakeholders who are strongly invested in the vision, as is the case with the current Mauna Kea Management Board, would be greatly preferred. But in the context of this bill in its current and proposed form there is no overall clear vision, nor is there any indication of how such a vision would be developed. How would the management authority know what it was expected to achieve? Moreover, given their required lack of association with any of the activities on the mountain it is hard to see how the management board members could craft such a vision and promote it.

A separate substantial concern is that the proposed management organization is very large and would be extremely expensive. Based on our experience with Maunakea, the level of commercialization that would be needed to fund the proposed operation would probably be unachievable, and even if achievable, it would be at a level that would be unacceptable to the local community and could also have a substantial negative impact on natural and cultural resources, and the continuation of world-leading astronomy. Also, the proposal to charge all visitors (other than cultural practitioners) an access fee and to ban the use of all personal vehicles above Hale Pohaku is contrary to the long tradition of free public access. This would almost certainly result in huge community opposition once the ramifications of this proposed policy are fully understood.

### **Recommendation**

Given our concerns, we recommend that a shared vision for the future of Maunakea first be developed and clearly articulated. This is something which is, for example, the goal of the EnVision Maunakea Project. The requirements and performance criteria for a governance and management structure can then be established, and the current UH

management can be assessed in the context of those criteria. At that point all stakeholders will be in a much better position to determine what changes might be desirable.

Members of the UH community are committed to working openly and collaboratively on legislative, executive and community initiatives. As noted in the Board of Regents resolution on Maunakea adopted last year, UH believes that Maunakea can and should be a global model that provides inspiration, harmony and peaceful co-existence among culture, education, the environment and scientific discovery. UH works hard every day to achieve this.

Thank you again for the opportunity to offer testimony on this measure.