



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Ways and Means
February 23, 2018 at 10:30 a.m.

by
David Lassner
President
University of Hawai'i

SB 3090 SD1 – RELATING TO GOVERNMENT

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

Thank you for the opportunity to provide official University of Hawai'i testimony regarding SB 3090 SD1. Respectfully, the University of Hawai'i (UH) cannot support this bill as written.

Fundamentally, we believe this bill is 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.”

More specifically, UH has 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 externally on two occasions in 2017. This included the highest recognition of preservation, rehabilitation, restoration and interpretation of the state's architectural, archaeological and cultural heritage from the Hawai'i Historic Foundation, and the Pūalu Award for Culture and Heritage from the Kona-Kohala Chamber of Commerce.

The extremely critical 1998 Audit was based on an assessment of roughly the first 30 years of stewardship from the beginnings of astronomy on Maunakea. Since that time, UH has created open, transparent and effective processes and we are proud of the dedicated work of our rangers, the volunteer Maunakea Management Board, the volunteer Native Hawaiian advisors of Kahu Ku 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. In particular, we have restarted work to implement Administrative Rules, which will involve full public input. We have worked with DLNR on enforcement actions

against illegal commercial tour operators. And we are beginning work to envision and then create a new educational experience that integrates culture, history, environment and science for visitors as well as those who work on the mountain.

UH has also consistently and publicly expressed our willingness to consider alternate models of management. UH agreed to support the Governor's 10-point plan, which represents a significant change with the return to DLNR of 10,000 acres as requested. UH is in regular conversation with Mayor 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 in a truly awesome environment. And when legislators became interested in crafting a completely new approach, we expressed a willingness to consider their proposals. This is all consistent with the formal public position of the Board of Regents to move to a more collaborative model of management that engages more than just the University.

With the foregoing in mind, here are just a handful of key high-level concerns about this bill as written:

- 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, beginning with the paid members of the new Authority, all the new executive positions, and all the new staff to work with the Authority members and executives. The bill does not explain the questionable premise that all these new costs can be covered by extracting more dollars from a smaller number of observatories and from commercial tourism. Indeed, 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.
- 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 the University astronomy students and faculty at both the Hilo and Mānoa campuses, and 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 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 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 commercial tour operations.

5) Although we appreciate the requirement in this SD1 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". "Astronomy facility" is undefined; this could potentially disqualify any working astronomer from membership on the Authority. 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 seven-person Authority may lack relevant experience or commitment.

6) 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."

Regarding the specific wording of the bill, we note that Section ___-45 (Revenue to be shared with the office of Hawaiian affairs) provides in part that UH shall transfer to OHA

twenty percent “of all receipts collected by the ... university as a result of lease rent, fees, penalties, commercial activities, technology transfer, monetization of intellectual properties or discoveries, and other revenue sources...” As currently written, this provision would apply to all University receipts from all activities everywhere, whether or not ceded lands are involved. It should be corrected to apply only to appropriate receipts from UH activities on Maunakea.

In sum, for the reasons indicated, UH is unable to support this bill as written. However, the University is committed to working collaboratively to advance effective, efficient, clear and accountable management of Maunakea in partnership with others. We will continue to willingly engage in discussions regarding possible future governance structures. And in the meantime, we will continue to exercise our stewardship responsibilities and strengthen our collaborations across the public and private sectors and with the community.

Thank you for this opportunity to submit testimony.