



BOR Testimony <bortest2@hawaii.edu>

OHA Testimony for BOR Meeting 5/21/2020

1 message

Olan Fisher <olanf@oha.org>

Wed, May 20, 2020 at 4:20 PM

To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>

Aloha mai,

Please find attached OHA's testimony for the BOR Meeting tomorrow. We apologize for the lateness. Please let me know any questions.

Mahalo nui,

Olan Leimomi Fisher

 **OHA Testimony Maunakea Restructuring BOR 5.21.2020.pdf**
127K



OFFICE OF HAWAIIAN AFFAIRS
Administrative Testimony

Testimony of Sylvia M. Hussey Ed.D.
Ka Pouhana, Chief Executive Officer

**Board of Regents, University of Hawai'i
Agenda Item VII.B.**

APPROVAL OF MAUNAKEA MANAGEMENT RESTRUCTURING PLAN

May 21, 2020

10:30 a.m.

Virtual

Meeting

The Administration of the Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on the proposed restructuring plan for the management of Maunakea lands leased by the University of Hawai'i (UH). **OHA notes that it was not consulted in the development of this or any other management restructuring proposal considered by the Board of Regents (BOR) during their April 16, 2020 meeting.** OHA therefore offers the following comments, concerns, and recommended conditions, and strongly urges the BOR to consider and incorporate them in any proposed restructuring plan it may consider approving.

Maunakea and its resources comprise a critical and singularly significant part of the ceded lands trust and public trust that the State of Hawai'i is constitutionally-bound to protect and preserve for future generations of Native Hawaiians and the entire Hawai'i community. Sadly, the historical and ongoing mismanagement of Maunakea has resulted not only in OHA's pending lawsuit against UH, but has also resulted in a substantial and understandable lack of trust in the community regarding the State's and UH's commitment to respectfully steward the mauna. OHA therefore strongly urges the BOR to provide more meaningful assurances in its decisionmaking on this or any other management restructuring proposal, that can ensure Native Hawaiians and the public that the aggressive development of more telescopes will not come at the expense of the mauna's sacred environment, natural and cultural resources, and cultural sites.

The mismanagement of UH's leased Maunakea lands has been a matter of concern and conflict for decades. Years of complaints from Native Hawaiian cultural practitioners and the larger community culminated in the first of four reports by the State auditor, spanning a period of over 15 years, all verifying the State's and UH's ongoing failure to properly manage the mauna. The first auditor's report in 1998 explicitly found that UH had, for decades, prioritized telescope development over appropriate management of the fragile ecosystem and cultural importance of Maunakea. Subsequent auditor's reports documented continued and serious deficiencies in UH's management. Since at least 2011, OHA itself has also raised concerns regarding the ability of Native Hawaiians to engage in traditional and customary practices dependent upon the environmental and

cultural integrity of Maunakea's lands, resources, and sites. **Unfortunately, even after decades of verified complaints, both UH and the State have consistently failed to meaningfully demonstrate any ability or willingness to serve as proper stewards of Maunakea's public trust lands and resources, leading many, including OHA, to the ultimate conclusion that appropriate management of Maunakea can only be achieved with entirely new leadership and organization.**¹

OHA appreciates the apparent acknowledgement of the need for much better management of Maunakea in the proposal before the BOR today. OHA does, however, reiterate the substantial work that remains to be done in order to fulfill UH's decades-old promises to better steward the mauna, including through the implementation of numerous longstanding and unfulfilled Comprehensive Management Plan (CMP) action items of particular concern to Native Hawaiians. **OHA emphasizes that the instant proposed management restructuring plan lacks specificity and meaningful assurances that such substantive management needs will be actually addressed.**

OHA therefore strongly urges the BOR to provide conditions to require the following in any management restructuring proposal under its consideration:

1. A **cost assessment**, including staffing, equipment, and other resource needs, for the full and meaningful fulfillment of all CMP action items, including those listed in OHA's active Maunakea complaint, in a timely manner and subject to clear and reasonable benchmarks determined through consultation with OHA and other relevant stakeholders;
2. A **fiscal sustainability plan** that identifies available funding sources, including telescope sublease rent, that can provide for these costs in a sustainable and long-term manner, and that requires the Office of the Executive Director (OED) to coordinate between Maunakea Observatories Support Services and OED's subordinate entities (UH Institute for Astronomy, Director of Stewardship Programs, and 'Imiloa Astronomy Center) to develop and implement the plan;
3. A **community consultation plan** with clearly established authorities and processes for consulting with relevant stakeholder groups including but not limited to OHA, Kahu Kū Mauna, and 'ohana with familial and cultural ties to Maunakea, in the implementation of any management actions and in any decisionmaking or enforcement action otherwise authorized under the recently adopted administrative rules, where natural and cultural resources, cultural sites, or cultural practices may be impacted; and
4. A **regulatory assessment process** whereby stakeholder groups can periodically assess and recommend amendments to better incorporate Native Hawaiian traditional and customary practices and cultural concerns.

¹ See Complaint for Declaratory and Injunctive Relief, Accounting, Restitution, and Damages, *Office of Hawaiian Affairs vs. State of Hawai'i*, iv. No. 17-1-1823-11 (Cir. Ct. 1st Cir. Ct.), available at <https://www.oha.org/maunakea/>.

OHA again strongly urges that the above considerations be incorporated as conditions of approval for any proposed management restructuring plan for Maunakea, including the proposal before the BOR today. OHA also recommends that the BOR require the Office of the Executive Director, the Director of Stewardship Programs, and the UH Institute for Astronomy to consult with OHA in their implementation of the proposed restructuring plan, and in the execution of its recommended conditions. **Without such conditions and requirements, any restructuring proposal may do little to rectify serious management issues that have persisted for generations, much less absolve community concerns regarding the same.**

Mahalo nui loa for the opportunity to testify on this matter.



Testimony for May 21 BOR Meeting

1 message

Wendell Perry <wperry@hawaii.edu>
To: bor.testimony@hawaii.edu

Wed, May 20, 2020 at 11:04 PM

Attached is my BOR testimony. I plan to Zoom into the meeting as soon as my earlier meeting is completed.

Peace,
Kekailoa Perry.

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“education either functions as an instrument which is used to facilitate integration of the younger generation into the logic of the present system and bring about conformity or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of their world.” - Paulo Freire

 **KPerry BOR Testimony May 2020 Meeting.pdf**
66K

**Testimony Opposing the
University of Hawai'i Board of Regents Actions Relating to
Agenda Item VII.B.**

May 21, 2020

Sent Via Email Attachment to bor.testimony@hawaii.edu

TO: The University of Hawai'i Board of Regents
2444 Dole Street, Bachman 209

FR: Kekailoa Perry 
Still Sequestered due to Covid 19

I am Kekailoa Perry, a citizen of the Hawaiian Kingdom and Associate Professor at Kamakūōkalanī Center for Hawaiian Studies. My testimony opposes all BOR action relating to agenda item VII.B. entitled "Approval of Maunakea Management Restructuring Plan."

1. Since January 2020 our archipelago has undergone significant challenges due to the health threat of the COVID 19 virus. A great many in our communities have turned to human compassion, love, and caring even when facing significant sacrifice and risk to their own health and well-being.

But, here at the University of Hawai'i, our BOR and administration have used this time to jeopardize the health and welfare of our lands and native peoples by weaponizing culture and administrative rules to advance parasitic economic ventures (TMT and UARC) that will damage sacred lands and further traumatize our communities.

Today's BOR vote to approve the poorly designed Maunakea Management Restructuring Plan is another clear example of the BOR and administration's failure to care and protect this so-called Hawaiian Place of Learning. The action item and accompanying plan falsely claims transparency through a single online powerpoint post that is different to the plan submitted today. No actual or real community participation and no clear engagement with "rights holders," means that the BOR and administration have no aloha for our 'āina and its people.

2. As I stated previously, holding decision making meetings on the TMT, OMKM and other critical matters that will impact the Hawaiian community at this time is equivalent to weaponizing the stay at home orders and health concerns of our community in ways that will limit our full participation in the BOR processes. This is beyond shameful, it is a leap toward authoritarianism.
3. The strategy of the BOR and administration is synonymous with Frantz Fanon's critique of the colonial educational apparatus. Like Fanon's system, the UH leadership constructs vague cultural and civic aspirations then deploys them through empowered homegrown compradores to sedate the consciousness of the community. UH may carry-on like that system, but our community will not accept ignorance as a policy or goal. The result here is a Maunakea restructuring plan and process that can only be described in Hawaiian terms as "he 'umeke pala 'ole".