



TESTIMONY for Maunakea Management Restructuring Plan

hanahanai@hawaii.rr.com <hanahanai@hawaii.rr.com>

Tue, May 19, 2020 at 8:19 AM

To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>, "hanahanai@hawaii.rr.com" <hanahanai@hawaii.rr.com>



UH Restructuring Plan TESTIMONY.png
1507K

Cindy Freitas
P.O. 4650
Kailua Kona HI 96745
hanahanai@hawaii.rr.com

May 19, 2020

University of Hawaii
Board of Regents
2444 Dole St.
Bachman 209
Honolulu, HI. 96822
bor.testimony@hawaii.edu

RE: TESTIMONY FOR
May 21, 2020
10:30 a.m.
Virtual Meeting
Agenda Item B. Approval of Maunakea
Management Restructuring Plan

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I OPPOSE Agenda Item B. Approval of Maunakea Management Restructuring Plan for the following reasons;

1. University of Hawaii ("UH") has no jurisdiction over making any Management Restructuring Plan due to UH is only a lease holder and not a land holder.
2. Article XII 4 State holds the Ceded lands as a "public trust for native Hawaiians and the general public". Therefore the Board of Land and Natural Resources has the jurisdiction and the moral obligation to write any or all plans or rules that pertain to Maunakea.
3. The BLNR has jurisdiction to regulates and administers land uses in those lands—including the UH Management Area on Mauna Kea with respect to the UH Management Area the BLNR has repeatedly exercised its authority. See Hawaii Administrator Rules ("HAR") 13-5 and 13-1; HRS Chapter 183C.

Therefor, I Cindy Freitas reserve the right to a contested case if the Board rule against my opposition.

Mahalo



Cindy Freitas



OBJECTION TO THE UH PROCESS TO PROPOSE MAUNA KEA ADMINISTRATIVE RULES

123ContactForm <noreply@123formbuilder.io>

Tue, May 19, 2020 at 9:59 AM

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

My name is	Melinda Sonoda-Pale
I am	Kanaka Maoli aka Native Hawaiian
My email is	healanipale@gmail.com
I reside at	Kuliouou, O'ahu
I object to the UH Board of Regents moving forward with Mauna Kea restructuring and management plans for the following reason(s):	<ol style="list-style-type: none"> 1. The proposed change of Mauna Kea governance within the UH structure has not been shared with the larger community, including the Hawai'i Island community where Mauna Kea exists. There has been very little opportunity for the community to hear the explanations and provide input., 2. Holding BOR meetings where decisions and discussions on Mauna Kea are taking place in the midst of the Covid-19 crisis shows a lack of good faith and transparency on the part of the UH especially since Mauna Kea is a hot topic and the laws that govern Sunshine laws have been lifted. The intent of lifting the Sunshine laws was to allow government entities to continue working during the quarantine period. The intent was not to eliminate community opportunities to provide in person testimony and engage in back and forth discussions with decision makers., 3. Of the four Mauna Kea management models being proposed, only Model 3 moves the University out of the central command and decision-making process for Mauna Kea. It is the only option which would address the serious issues brought forth in the various State Auditor reports. Going forthe with restrucuring the UH internally to streamline management (including enforcement) of Mauna Kea, makes it clear that UH was never seriously considering taking itself out of the picture. Furthermore Model 3 should be a discussion at the Board of Land and Natural Resources and not before the UH Board of Regents. This option needs to be discussed more fully in the community as well., 4. There is no model comparison or full evaluation of all the various options proposed in the report. It appears the BOR is being asked to consider only one option – 4a which would not only be expedient to implement (since it does not require legislation) but would allow UH to maintain land authorizations (occupancy use, rights and privileges).,



OBJECTION TO THE UH PROCESS TO PROPOSE MAUNA KEA ADMINISTRATIVE RULES

Phillip Pale <noreply@123formbuilder.io>
To: "bor.testimony@hawaii.edu" <bor.testimony@hawaii.edu>

Tue, May 19, 2020 at 11:26 AM

My name is	Phillip Pale
I am	Kanaka Maoli aka Native Hawaiian
I am a UH	Alumni
I reside at	Kuliouou, O'ahu
I object to the UH Board of Regents moving forward with Mauna Kea restructuring and management plans for the following reason(s):	<p>1. The proposed change of Mauna Kea governance within the UH structure has not been shared with the larger community, including the Hawai'i Island community where Mauna Kea exists. There has been very little opportunity for the community to hear the explanations and provide input.,</p> <p>2. Holding BOR meetings where decisions and discussions on Mauna Kea are taking place in the midst of the Covid-19 crisis shows a lack of good faith and transparency on the part of the UH especially since Mauna Kea is a hot topic and the laws that govern Sunshine laws have been lifted. The intent of lifting the Sunshine laws was to allow government entities to continue working during the quarantine period. The intent was not to eliminate community opportunities to provide in person testimony and engage in back and forth discussions with decision makers.,</p> <p>3. Of the four Mauna Kea management models being proposed, only Model 3 moves the University out of the central command and decision-making process for Mauna Kea. It is the only option which would address the serious issues brought forth in the various State Auditor reports. Going forth with restructuring the UH internally to streamline management (including enforcement) of Mauna Kea, makes it clear that UH was never seriously considering taking itself out of the picture. Furthermore Model 3 should be a discussion at the Board of Land and Natural Resources and not before the UH Board of Regents. This option needs to be discussed more fully in the community as well.,</p> <p>[Quoted text hidden]</p>



Testimony for May 21, 2020 BOR meeting

Shane Akoni Nelsen <shane.nelsen@gmail.com>

Tue, May 19, 2020 at 11:55 AM

To: bor.testimony@hawaii.edu

Cc: Uilani Naipo <uilani.naipo@me.com>, "Chad K. Baybayan" <chadkbaybayan@gmail.com>, Leningrad Elarionoff <hoelike@aol.com>, Wally Lau <wallylau1@gmail.com>, Kimo Lee <klee@whshipman.com>, Nako'o Warrington <nakoolaniw@gmail.com>

Aloha,

Please receive the attached three (3) documents from Kahu Ku Mauna Advisory Council. We wish to express concerns regarding the agenda item VII, B, the approval of Maunakea Management Restructuring Plan.

**Mahalo nui,
Shane Palacat-Nelsen
KKM - Chair**

3 attachments

 **Testimony Board of regents meeting May 21 2020 (2).pdf**
68K

 **KahuKuMauna Letter to Chun.pdf**
54K

 **KKM Lette to Kudo.pdf**
60K

KAHU KŪ MAUNA

640 N. A'ohoku Place, Room 203, Hilo, Hawai'i 96720

May 17, 2020

Chair Benjamin Kudo
Board of Regents
University of Hawai'i
2444 Dole Street, Room 209
Honolulu, HI 96822

SUBJECT: Testimony for May 21, 2020 Board of Regents (BOR) meeting Agenda Item VII, B. Approval of Maunakea Management Restructuring Plan

Aloha e Chair Kudo,

We submit testimony expressing our profound disappointment at the University of Hawai'i (UH) and the BOR's continued disregard for community engagement, the lack of the BOR's commitment to its own resolutions, the continued and deliberate misrepresentation that consultation did occur when it in fact did not, and the inherent conflict between the process used to develop latest management proposal and the principles espoused therein. We are resolute in our position that before taking any action on Maunakea management, the UH must first fulfill both the spirit and letter of resolution 19-03 item #8. More specifically, that the UH has yet to conduct the following as required by this resolution:

- 1) consultation with the entities listed to identify issues and concerns regarding management (#8), and
- 2) draft management alternatives based on the UH internal processes and input from those consulted (#8)

The interconnected nature of items #8 and #9 in resolution 19-03 also warrant further community engagement and consultation, beyond that listed above, including:

- 3) consult with the entities listed, again, to discuss preliminary management alternatives analyses and review the UH's analysis of transferring the Maunakea Science Reserve to another governmental authority or third party (#9),
- 4) finalize the management alternatives, analyses, and present said materials to the BOR for deliberation and possible action (#8 and #9).

The remainder of this letter provides context and additional detail, using the UH's and the BOR's own statements, for requiring such action prior to *any* form of decision making.

Of the 15 BOR resolutions passed since October 1972, 5 resolutions—a clear plurality—are focused exclusively on Maunakea. Of these Maunakea resolutions,

except for the financial audit resolution (2018), each and every resolution emphasizes in its own way the message that the community is to be an integral partner in managing Maunakea, with the Maunakea Management Board and Kahu Kū Mauna as the managerial entities which articulate community input.

On November 4, 2019 we submitted testimony pertaining to “Resolution 19-03 *To Act on Items Relating to Maunakea Management*” in anticipation of the November 6, 2019 BOR meeting. In our testimony we stated: “The fact that Kahu Kū Mauna was not consulted before this resolution was published demonstrates a complete disregard for the community-based management process established by this Board.” In its subsequent meeting the BOR amended resolution 19-03 by adding the following language (*in underlined italics*):

Item #8: “Following consultation with the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020. The purpose of the plan is to improve operations and management and make it more efficient, effective, and transparent. The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The reorganization and restructuring plan shall be embodied into a governance document that is approved by the Board of Regents.”

Item #9 “As part of the reorganization and restructuring plan, an in-depth analysis will be done to determine whether the management of the Maunakea Science Reserve would be better served if transferred to a governmental authority or other third party entity, or through alternate management mechanisms (e.g., conservation easement agreement, etc.). The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The results of this analysis, including input from the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, will be presented to the Board of Regents by April 2020.”

On April 15th, 2020, less than 24 hours before the BOR meeting on April 16th, 2020, the executive director of Maunakea stewardship presented several management models to Kahu Kū Mauna. This presentation referenced that the management models and alternatives had been prepared based on multiple iterations of consultation with each and every Observatory director. At the end of the presentation, Kahu Kū Mauna stated they would discuss the matter at their next meeting. Without subsequent discussions

about the merits, impacts, purpose, intended outcomes, etc.; this does not constitute consultation in any sense of the term—a term the UH clearly understands as it took pains to complete consultation with Observatories but not its own community advisory entities.

Furthermore, on April 22 and before Kahu Kū Mauna convened its next meeting to discuss the matter, the University issued a false statement: “The plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, the Maunakea Observatories, state and private sector land owners/managers and other Hawai'i Island community stakeholders, as would be its implementation. Yet the plan presented to the Board of Regents was submitted *prior* to any presentation to Kahu Kū Mauna. Following discussion at its April meeting, the Board of Regents proposed to formally consider approving the restructuring plan at its May meeting.” Neither the presentation to the BOR nor the UH press release are in the spirit of every BOR resolution since 1972 nor do they address the basic requirements of resolution 19-03 item #8 or item #9. Our May 14, 2020 letter to you provided UH an opportunity to correct the record before UH might proceed with a deliberately flawed BOR meeting agenda.

Nevertheless, in the materials submitted for the May 21, 2020 BOR meeting, Agenda Item VII, B. Approval of Maunakea Management Restructuring Plan, executive director Chun states that the purpose of this request for approval is to “To fulfill the requirements of the University of Hawai'i Board of Regents Resolution 19-03, Paragraph 8...” and he references that consultation has occurred on this topic with Kahu Kū Mauna.

Kahu Kū Mauna took the initiative to schedule meetings with University leadership to discuss the lack of consultation in the development and subsequent approval of Resolution 19-03. We met with President Lassner on January 30, 2020. As a result of that meeting, It was agreed that there needs to be better communication and that a subsequent meeting should be scheduled to include the executive Director of Maunakea as well as the two Hawai'i island Regents to discuss the University's responsibility **and** commitment to engage with the it's advisory groups. But due to the COVID-19 concerns that meeting was cancelled.

No consultation has occurred with Kahu Kū Mauna on this agenda item. As native Hawaiians we are all too well aware of the fact that consultation does not mean we will agree or support the proposed restructuring. However, it is premature to suggest that we will not support a proposed restructure.

As community volunteers on a committee established by the University, we do not share the University's continued misrepresentations of consultations which have not occurred.

Chair Benjamin Kudo
Board of Regents
University of Hawai'i
Page 4

In conclusion, Kahu Kū Mauna reiterates the points made at the beginning of this testimony. That is, any action by the BOR prior to completing the preliminary steps identified in resolution 19-03 remains premature and contrary to the resolution itself. These preliminary steps have not yet taken place. Kahu Kū Mauna remains committed to community engagement, community management, and is still awaiting initial and follow-up consultation on management alternatives and land transfer analyses.

'O mākou nō,
Kahu Kū Mauna

Kahu Kū Mauna

Attachments: Letter from KKM to Greg Chun-May 11, 2020
Letter from KKM to Ben Kudo-May 14, 2020

c: Roberta Chu
David Lassner
Bonnie Irwin
Greg Chun
Stephanie Nagata

KAHU KŪ MAUNA

640 N. A'ohoku Place, Room 203, Hilo, Hawai'i 96720

May 14, 2020

Chair Benjamin Kudo
Board of Regents
University of Hawai'i
2444 Dole Street, Room 209
Honolulu, HI 96822

Aloha e Chair Kudo,

We submit testimony expressing our profound disappointment at the University of Hawai'i (UH) and the BOR's continued disregard for community engagement, lack of the BOR's commitment to its own resolutions, and inherent conflict between the latest management proposal and the principles espoused therein. We are adamant that before taking any action on Maunakea management, the UH must first fulfill both the spirit and letter of resolution 19-03 items #8 and #9. More specifically, that the UH has yet to conduct any of the following as required by this resolution:

- 1) consultation with the entities listed to identify issues and concerns regarding management (#8),
- 2) draft management alternatives based on the UH internal processes and input from those consulted (#8),
- 3) consult with the entities listed, again, to discuss preliminary management alternatives analyses and review the UH's analysis of transferring the Maunakea Science Reserve to another governmental authority or third party (#9),
- 4) finalize the management alternatives, analyses, and present said materials to the BOR for deliberation and possible action (#8 and #9).

The remainder of this letter provides context and additional detail, using the UH's and the BOR's own statements, for requiring such action prior to *any* form of decision making.

Of the 15 BOR resolutions passed since October 1972, 5 resolutions—a clear plurality—are focused exclusively on Maunakea. Of these Maunakea resolutions, except for the financial audit resolution (2018), each and every resolution emphasizes in its own way the message that the community is to be an integral partner in managing Maunakea, with the Maunakea Management Board and Kahu Kū Mauna as the managerial entities which articulate community input.

On November 4, 2019 we submitted testimony pertaining to “Resolution 19-03 *To Act on Items Relating to Maunakea Management*” in anticipation of the November 6, 2019 BOR meeting. In our testimony we stated: “The fact that Kahu Kū Mauna was not consulted before this resolution was published demonstrates a complete disregard for

the community-based management process established by this Board.” In its subsequent meeting the BOR amended resolution 19-03 by adding the following language (*in underlined italics*):

Item #8: “Following consultation with the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020. The purpose of the plan is to improve operations and management and make it more efficient, effective, and transparent. The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The reorganization and restructuring plan shall be embodied into a governance document that is approved by the Board of Regents.”

Item #9 “As part of the reorganization and restructuring plan, an in-depth analysis will be done to determine whether the management of the Maunakea Science Reserve would be better served if transferred to a governmental authority or other third party entity, or through alternate management mechanisms (e.g., conservation easement agreement, etc.). The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The results of this analysis, including input from the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, will be presented to the Board of Regents by April 2020.”

On April, 15th 2020, less than 24 hours before the BOR meeting on April 16th, 2020, the executive director of Maunakea stewardship presented several management models to Kahu Kū Mauna. This presentation referenced that the management models and alternatives had been prepared based on multiple iterations of consultation with each and every Observatory director. At the end of the presentation, Kahu Kū Mauna stated they would discuss the matter at their next meeting. Without subsequent discussions about the merits, impacts, purpose, intended outcomes, etc.; this does not constitute consultation in any sense of the term—a term the UH clearly understands as it took pains to complete consultation with Observatories but not its own community advisory entities.

Furthermore, on April 22 and before Kahu Kū Mauna convened its next meeting to discuss the matter, the University issued a false statement: “The plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, the Maunakea Observatories, state and private sector land owners/managers and other Hawai'i Island

Chair Benjamin Kudo
Board of Regents
University of Hawai'i
Page 3

community stakeholders, as would be its implementation. Following the discussion at its April meeting, the Board of Regents proposed to formally consider approving the restructuring plan at its May meeting.” Neither the presentation to the BOR nor the UH press release are in the spirit of every BOR resolution since 1972 nor do they address the basic requirements of resolution 19-03.

In conclusion, Kahu Kū Mauna reiterates the points made at the beginning of this testimony. That is, any action by the BOR prior to completing the preliminary steps identified in resolution 19-03 is premature and contrary to the resolution itself. Kahu Kū Mauna remains committed to community engagement, community management, and is still awaiting initial and follow-up consultation on management alternatives and land transfer analyses.

‘O mākou nō,
Kahu Kū Mauna

Kahu Kū Mauna

c: Roberta Chu
David Lassner
Bonnie Irwin
Greg Chun
Stephanie Nagata

KAHU KŪ MAUNA

640 N. A‘ohoku Place, Room 203, Hilo, Hawai‘i 96720
Mailing Address: 200 W. Kawili Street, Hilo, Hawai‘i 96720

Telephone: (808) 933-0734
Fax: (808) 933-3208

May 11, 2020

Dr. Greg Chun
Executive Director of Maunakea Stewardship
University of Hawai‘i at Hilo
Hilo, HI 96720

Aloha Dr. Chun,

This letter requires your immediate action in your capacity as Executive Director of Maunakea Stewardship to correct misinformation released to the media regarding the new Maunakea management plan. Kahu Ku Mauna (KKM) requests that that the University of Hawai‘i retracts its original press release of April 22, 2020 (below) and issues a statement of clarification to the media that the [new Maunakea management] plan was not “informed by input” from Kahu Kū Mauna.

On April 22, 2020, the University of Hawai‘i, through its publication *The University of Hawai‘i News*, released the following misinformation: "The plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, the Maunakea Observatories, state and private sector land owners/managers and other Hawai‘i Island community stakeholders, as would be its implementation. Following the discussion at its April meeting, the Board of Regents proposed to formally consider approving the restructuring plan at its May meeting."
<https://www.hawaii.edu/news/2020/04/22/new-maunakea-management-structure-proposed/>.
On April 23, 2020, Big Island Video News carried the same story with the same misinformation.
<https://www.bigislandvideonews.com/2020/04/23/new-maunakea-management-governance-structures-proposed/>.

To be clear, the [new Maunakea management] plan was not “informed by input” from Kahu Kū Mauna.

On April 15, 2020, at a special Kahu Kū Mauna meeting requested by you and granted by KKM, via Zoom during the COVID-19 pandemic, you unveiled the proposal of your new Maunakea management plan - complete with your slideshow, your handout, your governance models – which you stated you would be presenting the next day to the UH Board of Regents. On April 16, 2020, at the UH Board of Regents’ meeting, you unveiled the same proposal that you had presented to KKM the previous evening. Clearly, your prefabricated Maunakea management plan was not “informed by input” from Kahu Kū Mauna.

Please be advised that your presentation, as perceived by our members, was not a consultation, but a presentation of a plan. The press release implied that Kahu Kū Mauna contributed to the development of the governance models. This is not true. In the interest of transparency and accountability the Council asks that the University retracts its original press release of April 22, 2020 and issue a clarification to the media.

Your immediate action to correct this misinformation is required, especially in light of the upcoming UH Board of Regents meeting on May 21, 2020 to “formally consider approving the restructuring plan.”

‘O mākou nō,
Kahu Kū Mauna

cc: Maunakea Management Board, Benjamin Kudo, UH BOR, David Lassner, UH President, Bonnie Erwin, UHH Chancellor, Stephanie Nagata, OMKM Director, Dan Meisenzahl, Director UH Communications

On April 23, 2020 , Big Island Video News published a story entitled “New Maunakea Management, Governance Structures Proposed”. A news release from the University of Hawai‘i was embedded in that story. The last paragraph of the news release read as follows “The plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, the Maunakea Observatories, state and private sector land owners/managers and other Hawai‘i Island community stakeholders, as would be its implementation. Following the discussion at its April meeting, the Board of Regents proposed to formally consider approving the restructuring plan at its May meeting.” A copy of the various models follows the press release.

The **Kahu Ku Mauna** Council is writing to you because there seems to be some misunderstanding regarding the **perceived** role of Kahu Kū Mauna in the planning process. We were given a presentation by you at the Kahu Kū Mauna meeting on April 15 where you unveiled the **plan** (proposal) you were going to make to the University’s Board of Regents the following day. Please be advised that the presentation, **as perceived by our members**, was not a consultation, **but a presentation of a plan..** The press release implied that Kahu Kū Mauna contributed to the development of the governance models. This is not true. In the interest of transparency and accountability the Council asks that the University rescind its original press release and issue a clarification to the media.

Hanalei Fergerstrom, Spokesperson
Na Kupuna Moku O Keawe
P.O. Box 951
Kurtistown, Hawaii 96760
808 938-9994
hankhawaiian@yahoo.com

University of Hawaii
Board of Regents
2444 Dole St
Bachman 209
Honolulu, Hawaii 96822

Regarding: Board meeting May 21, 2020
Zoom Webinar @10:30am

Aloha,

I am writing to testify specifically on agenda item VII(b) Approval of Mauna Kea Management Restructuring Plan.

NA KUPUNA MOKU O KEAWE IN **OPPOSITION** TO THE APPROVAL OF THE MAUNA KEA MANAGEMENT RESTRUCTURING PLAN.

We, are in opposition because we do not have any information regarding the MAUNA KEA management restructuring plan. We have not been privy to any FORMAL information on this plan and have not even been apprised of this plan either through invitation to participate or through even a draft on this plan.

Na Kupuna Moku O Keawe is a Kupuna organization established in 2003. We have representatives from all six major district of the island of Hawaii.

I, Hanalei Fergerstrom, spokesperson for Na Kupuna, was also a party to the contested case for the TMT and previously with the contested case for Keck outriggers.

I am not pleased that we have not been privy to any of the meeting, discussions, etc. for the development of this Restructuring Plan.

I spent over 11/2 years trying to volunteer with the Office of Mauna Kea Management cultural advisory group "Kahu Ku Mauna" ultimately being rejected.

I am a Kanaka Maoli, a RIGHTHOLDER as well as a STAKEHOLDER.

FOR THE PREVIOUSLY MENTION REASONS....WE STAND FIRMLY IN OPPOSITION TO THE APPROVAL OF THE MAUNA KEA MANAGEMENT RESTRUCTURING PLAN.

DATED THIS DAY: MAY 19, 2020

// Hanalei Fergerstrom



UNIVERSITY
of HAWAII
SYSTEM

BOR Testimony <bortest2@hawaii.edu>

Fwd: Letter to the UH Board of Regents

Richard Ha <richard@hamakuasprings.com>
To: BOR.testimony@hawaii.edu

Tue, May 19, 2020 at 3:15 PM

Aloha Regents
Below is PUEO's testimony for May 21, 2020.

Subject: Letter to the UH Board of Regents



UH Board of Regents.pdf
270K

Perpetuating Unique Educational Opportunities (PUEO)
c/o 120 Pauahi St., Suite #312
Hilo, Hawaii 96720

May 19, 2020

Aloha UH Board of Regents,

Perpetuating Unique Educational Opportunities ((PUEO) would like to voice its concern that we were not consulted.

PUEO was the only Native Hawaiian entity that entered the contested case hearing supporting the TMT.

PUEO supports the Culture/Science Center above the Clouds.

Maunakea is Hawaii Islands kuleana. We notice an Oahu centric approach to Hawaii Island issues.

Aloha,



Richard Ha
Founding Board member of PUEO.

Members include: Keahi Warfield, Richard Ha, Bill Brown, Patrick Kahawaiolaa, Eric Baicy, Alexis Ann,

Bob Lindsey, Brielyn Onodera, Heather Kaluna, Kālepa Baybayan, Lincoln Ashida, Newton Chu,

Mailani Neal, Tom Osorio



Submittal for the BOR 5/21 meeting


Roberta Chu <roberta.f.chu@gmail.com>
To: bor.testimony@hawaii.edu

Tue, May 19, 2020 at 4:04 PM

Attached is testimony from Roberta Chu, Doug Simons and Julie Leialoha.

Respectfully submitted,

Roberta Chu

 **BOR tstimony 5-21 and Attafhments (1).pdf**
330K

TESTIMONY
Board of Regents
May 21, 2020

Regarding Approval of Maunakea Management Restructuring Plan

Members of the Board of Regents,

The Maunakea Management Board (MKMB) was given a presentation by the Executive Director for Maunakea Stewardship on April 10, 2020, one week before the April 16, 2020 BOR meeting, when proposed UH management changes were presented and discussed. Subsequently a UH News story was posted on April 22, 2020 stating "The [management] plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, ..." which implies the proposed plan was the result of input and consultation with MKMB. We, as community members and members of MKMB, do not agree with this assertion. A letter was sent to Chair Kudo on May 12, 2020 a letter reminding him of the consultation compliance requirements of Resolution 19-03, in particular emphasizing the need to give MKMB the opportunity to "participate in thoughtful discussions and provide meaningful input into any significant management changes." On May 15, 2020 Chair Kudo replied to the May 12, 2020 letter but his letter did not address the University's non-compliance with BOR Resolution 19-03, specifically the lack of consultation and input by MKMB. More recently, a memo dated May 15, 2020 was submitted to BOR as part of their May 21, 2020 meeting document set which includes a narrative accompanying a proposed org-chart for UH Maunakea management and a request for approval of the proposed changes. That important narrative was never shared with MKMB and combined with the org-chart leaves a number of important questions that need consideration before BOR approval consideration should occur.

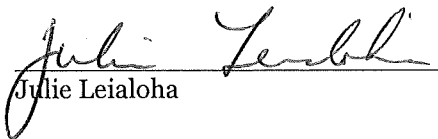
The BOR must defer consideration of approval of the proposed management changes until after a meeting involving UH leadership, MKMB, and Kahu Kū Mauna with all of this material disclosed to said group is held to seek clarity and resolution of outstanding issues. Failing to hold such a meeting would regretfully leave the University out of compliance with the consultation process described in BOR's resolution 19-03, No. 8 – "The analysis will include consultation with the Maunakea Management Board, Kahu Ku Mauna and appropriate members of the Hawaii Island community". We stand ready to work with the University, MKMB and Kahu Kū Mauna to constructively resolve this matter.



Roberta Chu



Doug Simons



Julie Leialoha

Attachments:

- May 15, 2020, Ben Kudo letter to Roberta Chu
- May 12, 2020, Roberta Chu letter to Ben Kudo

cc Kahu Kū Mauna
David Lassner
Bonnie Irwin
Greg Chun
Stephanie Nagata

Maunakea Management Board

University of Hawai'i at Hilo
640 N. Aohoku Place
Hilo, Hawai'i 96720

May 12, 2020

Mr. Benjamin Kudo, Chair
Board of Regents
University of Hawai'i
Bachman Hall 209
2444 Dole Street
Honolulu, Hawai'i 96822

Dear Chair Kudo:

We are writing to you regarding events reported in a recent article that appeared in UH News about the proposed internal management structure that was presented at the April 16, 2020 meeting of the Board of Regents (BOR). That article expressed that "The plan was informed by input from the Maunakea Management Board, Kahu Kū Mauna, ...". As officers of the Maunakea Management Board (MKMB), we are not opposed to a review of the current management structure or consideration of other management models, especially if a change would result in more effective management of the mountain. However, the MKMB should be given the opportunity to participate in thoughtful discussions and provide meaningful input into any significant management changes.

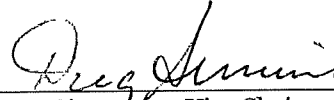
The MKMB was given a presentation by the Executive Director for Maunakea Stewardship on April 10, six days before the April BOR meeting. We therefore have concerns about Sunshine law compliance, which requires BOR meeting agendas and materials to be posted at least 6 days prior to BOR meetings. Furthermore, while we appreciated learning about various Maunakea management models under consideration, there was inadequate time to weigh issues and consult with our constituents prior to BOR consideration the following week. Concerns include implementation details, stakeholder representation in the new model, and doubts about the relevance of proposed changes to lingering community issues pertaining to Maunakea.

As a reminder the BOR approved Resolution 19-03 which states the "analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna and appropriate members of the Hawaii Island community." The resolution also states the results of this analysis, which includes input from the Maunakea Management Board and Kahu Kū Mauna, will be presented to the BOR in April. We anticipated an update on the formation of a new Maunakea management structure at the April BOR meeting, not BOR approval of a new management model. That nearly happened in the April BOR meeting and appears to be planned for the May BOR meeting.

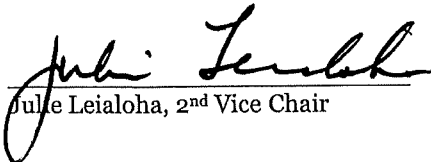
The MKMB asks that the BOR honor its commitment made in Resolution 19-03 and engage in meaningful consultation with MKMB before formal action is taken to approve a proposed internal management structure.



Roberta Chu, Chair



Doug Simons, 1st Vice Chair



Julie Leialoha, 2nd Vice Chair

c Kahu Kū Mauna
David Lassner
Bonnie Irwin
Greg Chun
Stephanie Nagata



UNIVERSITY
of HAWAII
SYSTEM

May 15, 2020

Maunakea Management Board
Office of Maunakea Management
640 N. A`ohokū Place, Room 203
Hilo, Hawai`i 96720

Dear Chair Chu, and Vice Chairs Simons and Leialoha,

Thank you for your letter dated May 12, 2020, regarding the proposed internal reorganization of the various Maunakea management organizations. We appreciate your interest and input into making our management of Maunakea better. The Regents and administration welcome thoughtful discussions with, and meaningful input from, the Maunakea Management Board (MKMB) and Kahu Kū Mauna (KKM). After all, both MKMB and KKM were engendered for the purpose of advising and consulting with the Chancellor of the University of Hawai'i at Hilo.

As you know, I served on the MKMB in 2017-2018 as a Regent representative. During my tenure it became apparent to me that the existing organization structure was a compilation of entities which could be improved upon from the standpoint of functionality and efficiency, and that a greater understanding of how funds were used was needed. Based on this insight, the Regents requested that the University's Office of Internal Audit conduct a review of the organization structure and, in particular, examine the inter-relationships by and among the various entities and how funds were derived and spent. As a follow up to the Internal Audit report, the Regents requested through Board of Regents (BOR) Resolution 19-03 Action Item 8 that *"a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020."* That plan was presented to the BOR by Greg Chun, Executive Director Maunakea Stewardship, at its meeting on April 16, 2020. Typically, the BOR does not approve internal reorganizations as that authority is generally delegated to the President, so no such BOR action was planned on April 16. However, after the BOR's discussion that you note in your letter, we felt that this matter was important and required a Regent decision. That decision has not been made but has been placed on the BOR's May 21, 2020, meeting agenda. Thus, there is no concern as to whether we are in compliance with the Sunshine Law with regard to this particular issue.

A second directive to administration outlined in Resolution 19-03 Action Item 9 was that *"an in-depth analysis will be done to determine whether the management of the Maunakea Science Reserve would be better served if transferred to a governmental authority or other third-party entity, or through alternate management mechanisms."* That analysis was also presented by Greg at our April meeting. No BOR action was

2444 Dole Street, Bachman Hall 209
Honolulu, Hawai'i 96822
Telephone: (808) 956-8213
Fax: (808) 956-5156

contemplated at the time nor is there in the near future since, as the analysis points out, there is much more study to be done and that a decision to move toward another model of governance is not necessarily the University's alone to make. Again, with regard to this issue there is no concern as to whether we are in compliance with the Sunshine Law.

The concerns expressed in your letter seem to have arisen from news reports following the BOR meeting in April. I will share with you that when those news articles were published I felt that they did not present a full and complete account of what had occurred at our April meeting. In fact, I had asked that we publish a clarification of those news accounts so as not to create public misperception. Unfortunately, the COVID-19 situation took precedence and our response was not published before your letter arrived.

Regarding public input, during the April meeting Greg was asked specifically about stakeholder input on both the internal restructuring of management and the analysis of future Maunakea management options. We received an affirmative response on whether public input on these matters was taken and considered.

After receiving your letter Greg confirmed the following as it pertains specifically to the MKMB: That a special meeting of the MKMB was held on Feb 8, 2020, that included, among other items, an update by Greg on "Strategizing and planning the restructuring/reorganization of Maunakea management." I have reviewed the agenda and note that it covers a range of issues relevant to both Action Items 8 and 9. I have also reviewed a copy of the PowerPoint that Greg presented to the MKMB that day and note that at that time Greg's process was clearly in information gathering mode and that no draft plans had been developed, much less were being advocated, all of which seems true to the purpose of consultation.

As Greg has clarified to me, the purpose of the consultation process was to hear from a range of stakeholders and experts who have differing interests, perspectives, issues, concerns, and priorities on the management of Maunakea, listen for common themes, and integrate those into a set of objectives and criteria that would guide any internal restructuring as well as any analysis of "*alternate management mechanisms*." Thus, consultation was a process conducted over several months with many stakeholders, it was not the result of an individual meeting that occurred with specific individuals or stakeholder group. The presentation Greg made to the MKMB on April 10 (and to KKM on April 15), which had been shared with many prior to the BOR ever seeing it, was informed by the cumulative input from many voices heard over time. We also understand that it also does not mean that everyone consulted agrees with the proposed restructuring and analysis.

I am aware that Greg has reached out to Roberta and that an MKMB meeting is being planned. However, if any of you have concerns or comments regarding the proposed internal restructuring plan that you would like to discuss directly, please let's schedule a

Letter to Roberta Chu, Doug Simons, and Julie Leialoha
May 15, 2020
Page 3

virtual meeting prior to the BOR meeting on May 21. Of course, if written testimony to the Regents is what you would prefer, that is always an option as well.

I look forward to hearing from you.

Respectfully,

/Benjamin Kudo/

Benjamin Kudo
Chair, University of Hawai'i Board of
Regents

cc: Members of the Maunakea Management Board
Kahu Kū Mauna Members
Members of the University of Hawaii Board of Regents
President David Lassner
Chancellor Bonnie Irwin
Dr. Greg Chun
Stephanie Nagata

Public Testimony Form - University of Hawaii Board of Regents

Please provide your testimony on this form for the next University of Hawaii Board of Regents meeting. Make sure you include all the requested information so that the Board of Regents is able to clearly understand the testimony provided.

Your Name (required) *

Doug Simons

Your Organization (optional)

CFHT on behalf of Maunakea Observatories

Your e-mail address (in case we need to reach you) *

simons@cfht.hawaii.edu

Board of Regents Agenda Item (required) *

BOR VII.B. Approval of Maunakea Management Restructuring Plan

Your Position (required) *

Oppose

Your Testimony/Comments

Your Testimony (pdf or word)

[BOR Testimony - UH Management Proposal.pdf](#) (177.6 kB)

Actions

Close

Export



MAUNAKEA OBSERVATORIES

To: University of Hawaii Board of Regents
From: Maunakea Observatories
Subj: Testimony Regarding Proposed Internal Restructuring Plan for Managing Operations of Maunakea Lands
Date: 19 May 2020

The Maunakea Observatories (MKOs) strongly request that the University of Hawaii Board of Regents **defer** consideration of approving the proposed internal restructuring plan for managing Maunakea operations and stewardship until important issues are resolved. Key concerns include –

1. The MKOs requested in past meetings with President Lassner and Dr. Chun that the Office of Maunakea Management (OMKM) and Maunakea Support Services (MKSS) not be merged into a single unit. Such a merger leads to complications given the separate funding streams used to sponsor these separate organizations. UH sponsors OMKM and the MKOs are the principal sponsor of MKSS. These organizations have very different missions, hiring practices (UH v. RCUH), and obligations. The MKOs also clearly expressed concern to UH about MKSS no longer being managed by the IfA under a new management structure, because the Office of the Executive Director in the proposed Center for Maunakea Stewardship isn't sufficiently invested in operational support matters unlike UH's Institute for Astronomy, which operates telescopes on Maunakea.
2. The Maunakea Support Services Oversight Committee (MKSSOC), which is mostly populated by representatives from the MKOs, was never intended to be a "Strategy and Policy Advisor", as proposed in the new management structure. A different set of MKO representatives that still need to be identified would have to serve that high-level role. How MKSSOC provides oversight on services sponsored by the MKOs in the proposed new structure remains unclear. Given that the MKOs sponsor most of these services, we need clarity about how that oversight will be addressed before a new management structure is approved.

We look forward to resolving these concerns through meetings in the near future with UH that can support UH's intentions of increasing transparency and streamlining management, while also addressing the MKOs need for cost efficient support of observatory operations and effective strategic planning.

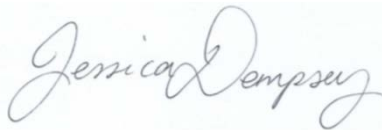
Mahalo,



Director Doug Simons, Canada-France-Hawaii Telescope



Director Paul Ho, James Clerk Maxwell Telescope (East Asian Observatory)



Deputy Director Jessica Dempsey, James Clerk Maxwell Telescope (East Asian Observatory)



Andy Adamson, Associate Director of Hawaii Site, Gemini Observatory



Director Jennifer Lotz, Gemini Observatory



Director Michitoshi Yoshida, Subaru Telescope



Director Hilton Lewis, W.M. Keck Observatory (Keck I and Keck II)

Public Testimony Form - University of Hawaii Board of Regents

Please provide your testimony on this form for the next University of Hawaii Board of Regents meeting. Make sure you include all the requested information so that the Board of Regents is able to clearly understand the testimony provided.

Your Name (required) *

Kawai K.

Your Organization (optional)

Ku Kia'i Mauna

Your e-mail address (in case we need to reach you) *

Keawe35@gmail.com

Board of Regents Agenda Item (required) *

BOR VII.B. Approval of Maunakea Management Restructuring Plan

Your Position (required) *

Oppose

Your Testimony/Comments

Discussions are still needed and wanted throughout the Native Hawaiian Community to provide continuous reasons on why TMT should consider Plan B. Sacred Lands should be in Sacred Hands.

Your Testimony (pdf or word)

No file attached

Actions

Close

Export



Testimony - BOR Meeting (May 21, 2020) Agenda Item VII.B.

1 message

E.K. Flores <ekflores@hawaiiantel.net>
To: bor.testimony@hawaii.edu


Tue, May 19, 2020 at 9:27 PM

Please accept the attached:

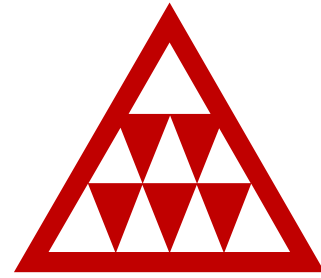
Testimony for University of Hawai'i Board of Regents Meeting (May 21, 2020)

Agenda Item VII.B. Approval of Maunakea Management Restructuring Plan

Mahalo, E. Kalani Flores

 **BOR 5-21-20 testimony VII.B.pdf**
134K

TO: UH – Board of Regents
2444 Dole Street, Bachman Hall, Room 209
Honolulu, HI, 96822
bor.testimony@hawaii.edu
bor@hawaii.edu



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

RE: Testimony for University of Hawai‘i Board of Regents Meeting (May 21, 2020)
Agenda Item VII.B. Approval of Maunakea Management Restructuring Plan

Comments:

The University of Hawai‘i - Board of Regents should NOT approve the proposed Maunakea Management Restructuring Plan for the following reasons:

The University of Hawai‘i (UH) community as well as the general public were not provided adequate time and information to provide input into this proposed Maunakea Management Restructuring Plan. The information provided at the April 16, 2020 Board of Regents (BOR) meeting lacked substance and significant information when presented only as a PowerPoint presentation. Likewise, the 11-page document presented for this May 21, 2020 meeting was also inadequate and incomplete.

With the anticipated budget restraints that UH will face due to COVID-19, the UH community as well as the general public should be given the opportunity to provide input on such restructuring plans that anticipate new increased fiscal items that would impact UH’s existing budget. Public forums at the various UH campuses island-wide should be held regarding this proposed plan. Or at the least, this plan should be posted on UH’s website with public notice allowing the UH community and the general public adequate time to review and provide valuable input.

There was a **lack of consultation** with ***community stakeholders*** and ***appropriate members of the Hawaii Island community***, particularly Native Hawaiians, including cultural practitioners, who are significant stakeholders ancestrally connected to Mauna a Wākea and whose customarily and traditionally exercised rights and practices are protected by Article XII, Section 7 of the Hawai‘i State Constitution. Resolution 19-03, paragraph 8, stipulates (emphasis added):

Following consultation with the Maunakea Management Board, Kahu Ku Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020. The purpose of the plan is to improve operations and management and make it more efficient, effective, and transparent. The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of

the Hawaii Island community. The reorganization and restructuring plan shall be embodied into a governance document that is approved by the Board of Regents.

However, meaningful consultation with Native Hawaiian individuals, organizations and communities was explicitly left out in the development of this plan. Similarly, petitioners in the last two contested case hearings regarding the Thirty Meter Telescope project were not contacted or consulted. The Flores-Case 'Ohana who were part of these hearings and who have provided written testimony to the BOR on several occasions pertaining to Mauna Kea should have at least received an email or a letter in the mail to be consulted as stipulated in Resolution 19-03. Yet, it's quite incongruous that the TIO Board of Governors were listed as being consulted.

Likewise, there was a **lack of consultation** with *community stakeholders* and *appropriate members of the Hawaii Island community*, particularly Native Hawaiians, including cultural practitioners, as it pertained to the matters in paragraph 9 in Resolution 19-03.

The proposed plan **lacks any type of cost analysis** for implementation. Such a cost analysis should also be compared to the budget for the existing management structure. The BOR has a fiduciary duty and responsibility to know what would be the costs with the apparent increase in positions such as directors, staff and personnel associated with implementing this plan.

The proposed plan **lacks any type of analysis** to justify a new restructuring plan. Also, the existing management structure is missing in this plan for comparison. It's presumed that the need for an internal restructuring plan is that the existing Office of Mauna Kea Management isn't functioning properly. However, any known problems with the existing management structure have not been outlined or identified. In addition, there is no formal assessment into whether any problems are with the existing management structure or due to the lack of competencies of the existing director, personnel and/or staff to satisfactorily fulfill their responsibilities and duties.

The descriptions in this plan are very vague and lack substantive information. Detailed job descriptions should be provided for all proposed positions. It should be clearly articulated how the proposed restructuring would result in the desired outcomes.

In essence, this proposed restructuring plan basically amounts to a name change and the hiring of new positions without any clear analysis and justification.

The expedited process taken to approve this plan is another example of why UH has been criticized for its lack of transparency and failure to increase participation by community stakeholders resulting in members of the community to distrust UH's decision-making in matters pertaining to Mauna Kea.



Rule Restructuring Mauna Ahu O Wakea

1 message

M. Kalani Souza <mkalani@mkalani.com>

Wed, May 20, 2020 at 7:34 AM

To: bor.testimony@hawaii.edu

Cc: hanalei fergerstrom <hankhawaiian@yahoo.com>

I reside in the district of Hamakua, the ahupuaa of Kaohe. At the back gate of the mauna. Some regard me a cultural competency and diversity expert, social as well as biological; engaged with UCAR NCAR, Rising Voices, NOAA CSC/PSC, PRiMO Pacific Risk Management Ohana, FEMA UH NDPTC, UN IPCCWG, to name a few organizations for the institutional minded.

For the non institutional: Tutukane, Joseph Kalani Kealohanui, Wailua Maui, Maternal great great grandfather KEUALANI, great grandfather Pekela Keualani, great grandmother Lomana Koko, grandmother Lomana Keualani aka Nancy Maeda, grandfather Maeda Kenichi-sama f.Kyushu,, father Joseph Baptist Souza Sr., mother Lorraine Angeline "Kekaikuihala" Souza.

The status of the United States, the "State" of Hawaii, and the University of Hawaii's jurisdiction over Crown Lands is seriously being called into question. Further, the disposition of US military presence, including but not limited to their expansion plans, present renegotiation of expiring Compact Contract Treaties; while international legal societies are reviewing the groundwork and genesis incidents initiating this strange political and military occupation by the United States, benefiting corporate global expansion unseen since "Hudson Bay" or the "Dutch East Indies Trading Company" complete with bribes, dragoons, governmental incompetence if not criminality and a public relations *shotshiw* leaving public trust at an all time low, on the heels of failed rail, failing windmills, Waimanalo outrage and the weirdest US Election year to date? Lord Help Us All.

For these reasons and so many more, moral, consequential, and directly impacting the future generations of Hawaii; I must STRONGLY PROTEST Any and All Changes to the rules of the management of Mauna Kea, as well as, but not limited to any and all changes, supported by the "State of Hawaii" to the US military status and presence on the County of Hawaii, and likewise the counties of Maui, Oahu and Kauai.

Foremost responsibility of respectful servant leadership is to maintain public trust.

Respectfully,

Rev. M. Kalaani Souza



Testimony OPPOSING the Approval of Maunakea Management Restructuring Plan

1 message


Shelley Muneoka <shelley@kahea.org>
To: bor.testimony@hawaii.edu

Wed, May 20, 2020 at 8:58 AM

Aloha kākou,

Please see the attached testimony from KAHEA: The Hawaiian Environmental Alliance in STRONG OPPOSITION to Agenda Item B: Approval of Maunakea Management Restructuring Plan.

Mahalo,
Shelley

 **5.21.20 BOR mtg internal mk mgmt restructure.pdf**
472K



May 20, 2020

Aloha Regents,

Please accept this testimony from KAHEA: The Hawaiian-Environmental Alliance in **strong opposition** to Agenda item VIIb, which asks this body to move forward with an internal restructuring of the management of Mauna Kea. KAHEA is a long-time advocate for the protection of Mauna Kea. We are a Hawai'i-community based 501(c)(3) nonprofit organization with over 10,000 supporters that focus on issues of environment and Native Hawaiian cultural rights.

PROTECTING

NATIVE HAWAIIAN

CUSTOMARY & TRADITIONAL

RIGHTS AND OUR FRAGILE

ENVIRONMENT

The proposal currently before the board is the latest effort on the University's part to have its way on Mauna Kea. Despite the huge historical uprising(s) in 2019 (and 2015, as well as decades of legal advocacy) of *kia 'i mauna*, UH has done nothing to meaningfully acknowledge, apologize or make changes in the interest of the mauna – instead repeatedly choosing to put its astronomy program first. This latest proposal to internally restructure is completely tone deaf and ignores repeated calls for UH to relinquish control of this sacred place where their mismanagement has caused irreparable harm.

Aside from the premise and content of the proposal to internally restructure Mauna Kea management, the breakneck pace at which this process is moving is offensive. It does not appropriately convey contrition or a genuine effort to heal broken relationships with community. It does not even have a sincere intention of getting things right. It is particularly insensitive to move forward with this proposal during the stressful and chaotic Covid-19 stay-at-home order. This proposal was never meaningfully presented in community, where broad community could engage proponents with questions or feedback.

Mailing Address
P.O. Box 37368
Honolulu, HI 96837

toll-free phone/fax
877.585.2432

www.KAHEA.org
kahea-alliance@hawaii.rr.com

KAHEA: the Hawaiian-Environmental Alliance is a non-profit 501(c)3 working to protect the unique natural and cultural resources of the Hawaiian islands. KAHEA translates to English as "the call."

In his presentation at the April 16, 2020 BoR meeting, Greg Chun (Executive Director of Maunakea Stewardship) himself named the role this proposed restructuring plays in the University's pursuit of a new general lease. "This proposal also avoids complications involved with public land transfers and would maintain governance continuity for Maunakea, **which is crucial should the State or university decide to pursue alternative master lease options in the future.**" Make no mistake, though Mr. Chun said "IF" a new master lease is pursued, minutes from that same meeting state that "President Lassner also noted that the **administration is simultaneously proceeding with obtaining an extension on the university's master lease for Maunakea**". So, it is plain, this proposed restructuring is to help facilitate a general lease beyond 2033, when the current lease expires.

Looking more closely at the above quote from Mr. Chun, he betrays

the fact that though four management models were put forth, the only one that gives a community group a chance to care for Maunakea, is not being seriously considered because the goal here is to “maintain **governance continuity** for Maunakea”. This is exactly what is objectionable about the proposal – the University’s governance of Mauna Kea is in sore need of **discontinuation**. This means, no general lease beyond 2033 and no ongoing/future management authority.

In November, this body squandered an opportunity to rebuild trust with broader community when you elected to pass new management rules despite nearly 12 hours of testimony in opposition. Ramming this current proposal through, tells the community, loud and clear, that things are business as usual at the University, despite repeated claims that things will be better, or at least different. We OPPOSE this proposal because Maunakea deserves to be cared for with aloha and protection and UH has shown over the last 50 years that they are neither willing nor able to do this.

For these reasons, amongst others, we strongly urge you to not move forward with plans to internally restructure the management of Mauna Kea without meaningful conversation with the people and communities who care most about this special place. At the very least, defer decisionmaking until it is safe to meaningfully engage community stakeholders. Doing so would be a show of good faith that UH is ready to put the needs of the community ahead of its own self-interest.

Mahalo for your time and consideration,

KAHEA Board and Staff, 2020



Resolution to Opposed the Proposed Reorg and Merger of AH, LLL, & SPAS to Form CALL

1 message

UHM Faculty Senate <uhmfs@hawaii.edu>

Wed, May 20, 2020 at 9:18 AM

To: BOR Testimony <bor.testimony@hawaii.edu>, David Lassner <david@hawaii.edu>, Michael Bruno <mbruno2@hawaii.edu>, Alexandra French <afrench@hawaii.edu>, Peter Arnade <parnade@hawaii.edu>, Laura Lyons <lelyons@hawaii.edu>, R Sutton <rasutton@hawaii.edu>

Cc: SEC <uhm-mfs-sec@lists.hawaii.edu>, Amy Luke <aluke@hawaii.edu>, Robyn Okumura <chowhojr@hawaii.edu>, Debra Ishii <debrai@hawaii.edu>, Lily Wong <lilywong@hawaii.edu>

Aloha,

The Mānoa Faculty Senate approved the **Resolution to Oppose the Proposed Reorganization and Merger of the College of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies to Form the College of Arts, Literature, and Letters (CALL)** at the May 13, 2020 Senate meeting with 61 votes (83.56%) in support to oppose; 12 votes (16.44%) against; and 7 abstentions.

The resolution is attached.

Please feel free to contact me at (808) 375-7092 if you have any questions or need additional information.


Thomas Conway, M.B.A., Ph.D.
2019-20 Mānoa Faculty Senate Chair

John Kinder for Thomas Conway
Administrative Officer

Mānoa Faculty Senate Office | [2500 Campus Road](#) | Hawai'i Hall 208 | Honolulu, HI 96822 | Ph: (808) 956-7725 | uhmfs@hawaii.edu | Senate Website: www.hawaii.edu/uhmfs

2 attachments

 **20200513_transmittal_Reso_to_Oppose_the_Reorg_and_Merger_of_AH_LLL_and_SPAS_to_form_College_of_Arts_Literature_and_Letters(CALL).pdf**
252K

 **20200513 CAB Reso to Oppose the Proposed Reorg and Merger of AH; LLL; and SPAS to form the College of Arts, Literature, & Letters (CALL).docx**
75K



May 19, 2020

MEMORANDUM VIA E-MAIL

TO: Benjamin Kudo, Chair
Board of Regents

David Lassner, President & CEO
University of Hawai'i System

Michael Bruno, Provost
University of Hawai'i at Mānoa

Sandy French, Interim Vice Chancellor for Administration, Finance & Operations
University of Hawai'i at Mānoa

Peter Arnade, Dean College of Arts & Humanities
University of Hawai'i at Mānoa

Laura Lyons, Interim Dean College of Languages, Linguistics & Literature
University of Hawai'i at Mānoa

R. Anderson Sutton, Dean School of Pacific and Asian Studies
University of Hawai'i at Mānoa

FROM: Thomas Conway, Chair
Mānoa Faculty Senate

RE: **RESOLUTION TO OPPOSE THE PROPOSED REORGANIZATION AND MERGER OF THE COLLEGE OF ARTS AND HUMANITIES; COLLEGE OF LANGUAGES, LINGUISTICS AND LITERATURE; AND THE SCHOOL OF PACIFIC AND ASIAN STUDIES TO FORM THE COLLEGE OF ARTS, LITERATURE, AND LETTERS (CALL)**

The Mānoa Faculty Senate approved the **Resolution to Oppose the Proposed Reorganization and Merger of the College of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies to form the College of Arts, Literature, & Letters (CALL)** at the May 13, 2020 Senate meeting with 61 votes (83.56%) in support to oppose; 12 votes (16.44%) against; and 7 abstentions.

The resolution is attached.



UNIVERSITY
of HAWAII®
MĀNOA

MĀNOA FACULTY SENATE

Please feel free to contact me if you have any questions or need additional information.

Thomas Conway, Ph.D.
Mānoa Faculty Senate Chair

A handwritten signature in black ink, appearing to read "Ann Sakaguchi".

Ann Sakaguchi, Ph.D.
Mānoa Faculty Senate Secretary

UNIVERSITY OF HAWAII AT MĀNOA FACULTY SENATE
2500 Campus Road • Hawai'i Hall 208 • Honolulu, Hawai'i 96822
Phone: (808) 956-7725 • Fax/Polycom: (808) 956-9813
E-Mail: uhmfs@hawaii.edu • Website: <http://www.hawaii.edu/uhmfs/>
An Equal Opportunity/Affirmative Action Institution



Presented to the Mānoa Faculty Senate by the Committee on Administration & Budget (CAB) for a vote of the full Senate on May 13, 2020, a resolution to oppose the proposed reorganization and merger of the College of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies to form the College of Arts, Literature, and Letters (CALL). Approved by the Mānoa Faculty Senate on May 13, 2020 with 61 votes (83.56%) in support to oppose; 12 votes (16.44%) against; and 7 abstentions.

Resolution to Oppose the Proposed Reorganization and Merger of the College of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies to form the College of Arts, Literature, & Letters (CALL)

WHEREAS, Executive Policy A3.101 calls for the Mānoa Faculty Senate (MFS) to review any proposed reorganization; and,

WHEREAS, Michael Bruno, formerly Vice Chancellor for Research and now Provost, has in his previous role as Interim Vice Chancellor for Academic Affairs proposed a reorganization of the colleges of Arts & Humanities; Languages, Linguistics, & Literature; and School of Pacific and Asian Studies; to form the new College of Arts, Languages, & Letters (CALL); and,

WHEREAS, the April 2019 CAB resolution opposing this reorganization was tabled at the May 8, 2019 meeting of the Mānoa Faculty Senate; and,

WHEREAS, on December 4, 2019, affected department chairs and program directors sent a letter to Provost Bruno, stating that \$3.5 million dollars would need to be invested into CALL, claiming that such funds are needed for a college of CALL's size and mission to thrive and succeed; and,

WHEREAS, Provost Bruno's addendum offers CALL an additional \$606,860, and retention of 1.0 FTE LLL Dean's salary and the 0.50 FTE SPAS Dean's salary, thus underfunding what would be the largest college at UHM; and,

WHEREAS, on February 25, 2020, Provost Bruno sent CAB a response to the 2019 MFS resolution opposing the reorganization, which included an addendum of February 21, 2020, and Dean Arnade's April 2019 "CALL Statement of Goals"; and,

WHEREAS, the addendum does not adequately address or mitigate faculty concerns about rationales for the merger, lack of faculty support, and lack of support for individual programs within the college(s); and,



WHEREAS, this reorganization has been presented as something that will happen regardless of faculty concerns since inception, thus undercutting the shared-governance structure of the University; and,

WHEREAS, this reorganization is opposed by a majority of the faculty in the affected units and mergers are rarely successful without support from the constituents;

THEREFORE, BE IT RESOLVED that the Mānoa Faculty Senate opposes the reorganization of A&H, LLL, and SPAS into the new College of Arts, Languages, and Letters; and,

BE IT FURTHER RESOLVED that the Mānoa Faculty Senate recommends that in lieu of the proposed reorganization, a faculty-led working group be appointed and empowered to develop innovative ways to respond to the nationally-driven decline in humanities majors.

Supporting documents:

- [April 2020 College of Arts & Humanities Faculty Survey Results](#)
- [April 2020 College of Languages, Linguistics and Literature Faculty Survey Results](#)
- [April 2020 School of Pacific and Asian Studies Faculty Survey Results](#)
- [CAB Checklist on the Merger of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies](#)
- [Provost Response dated February 25, 2020 to 20190508 MFS-CAB Resolution to Oppose the Proposed Reorganization and Merger of the College of Arts and Humanities; College of Languages, Linguistics and Literature; and the School of Pacific and Asian Studies to form the College of Arts, Literature and Letters \(CALL\)](#)



Resolution to Endorse with Reservations the Proposed Reorg of the Center for Oral History

1 message

UHM Faculty Senate <uhmfs@hawaii.edu>

Wed, May 20, 2020 at 9:20 AM

To: BOR Testimony <bor.testimony@hawaii.edu>, David Lassner <david@hawaii.edu>, Michael Bruno <mbruno2@hawaii.edu>, Alexandra French <afrench@hawaii.edu>, Denise Konan <konan@hawaii.edu>
Cc: SEC <uhm-mfs-sec@lists.hawaii.edu>, Amy Luke <aluke@hawaii.edu>, Robyn Okumura <chowhojr@hawaii.edu>, Debra Ishii <debrai@hawaii.edu>, Lily Wong <lilywong@hawaii.edu>

Aloha,

The Mānoa Faculty Senate approved the **Resolution to Endorse with Reservations the Proposed Reorganization of the Center for Oral History** at the May 13, 2020 Senate meeting with 69 votes (94.52%) in favor of support; 4 votes (5.48%) against; and 7 abstentions.

The resolution is attached.

Please feel free to contact me at (808) 375-7092 if you have any questions or need additional information.


Thomas Conway, M.B.A., Ph.D.
2019-20 Mānoa Faculty Senate Chair

John Kinder for Thomas Conway
Administrative Officer

Mānoa Faculty Senate Office | [2500 Campus Road](#) | Hawai'i Hall 208 | Honolulu, HI 96822 | Ph: (808) 956-7725 | uhmfs@hawaii.edu | Senate Website: www.hawaii.edu/uhmfs

2 attachments

 **20200513_transmittal_Reso_to_Endorse_with_Reservations_on_Proposed_Reorg_of_Center_for_Oral_History.pdf**
247K

 **20200513 CAB Reso to Endorse with Reservations the Proposed Reorg of the Center for Oral History.docx**
75K



May 19, 2020

MEMORANDUM VIA E-MAIL

TO: Benjamin Kudo, Chair
Board of Regents

David Lassner, President & CEO
University of Hawai'i System

Michael Bruno, Provost
University of Hawai'i at Mānoa

Sandy French, Interim Vice Chancellor for Administration, Finance & Operations
University of Hawai'i at Mānoa

Denise Konan, Dean College of Social Sciences
University of Hawai'i at Mānoa

FROM: Thomas Conway, Chair
Mānoa Faculty Senate

RE: **RESOLUTION TO ENDORSE WITH RESERVATIONS THE PROPOSED REORGANIZATION
OF THE CENTER FOR ORAL HISTORY**

The Mānoa Faculty Senate approved the **Resolution to Endorse with Reservations the Proposed Reorganization of the Center for Oral History** at the May 13, 2020 Senate meeting with 69 votes (94.52%) in support to oppose; 4 votes (5.48%) against; and 7 abstentions.

The resolution is attached.

Please feel free to contact me if you have any questions or need additional information.

Thomas Conway, Ph.D.
Mānoa Faculty Senate Chair

Ann Sakaguchi, Ph.D.
Mānoa Faculty Senate Secretary



Presented to the Mānoa Faculty Senate by the Committee on Administration & Budget (CAB) for a vote of the full Senate on May 13, 2020, a resolution to endorse with reservations the proposed reorganization of the Center of Oral History. Approved by the Mānoa Faculty Senate on May 13, 2020 with 69 votes (94.52%) in support to endorse with reservations; 4 votes (5.48%) against; and 7 abstentions.

**Resolution to Endorse with Reservations the Proposed Reorganization of the
Center for Oral History**

WHEREAS, Executive Policy A3.101 calls for the Mānoa Faculty Senate (MFS) to review any proposed reorganization; and,

WHEREAS, the Mānoa Faculty Senate has delegated to the Committee on Administration and Budget (CAB) the duty to review reorganization proposals and, based on a Reorganization Proposal Consultation Review Checklist, to present their recommendations to the Mānoa Faculty Senate Executive Committee; and,

WHEREAS, the Center for Oral History (COH), previously located under the Social Science Research Institute (SSRI), began experiencing staff shortages in May 2017 due to a series of retirements; and,

WHEREAS, the COH staff shortages and apparent inability to fill vacancies lead to a reassessment of COH's mission and location within the SSRI; and,

WHEREAS, transferring COH to Ethnic Studies will maintain COH under the purview of Social Sciences, with the aspiration that COH's new location will provide new opportunities for the curricular, instructional, and service activities (although the proposal provides no insight with regard to how this might be achieved or evaluated); and,

WHEREAS, the consensus among COH faculty/staff is that Ethnic Studies is the best fit for COH given the situation and circumstances; and,

WHEREAS, the COH should remain a stand-alone unit, and not be subsumed into a department; and,

WHEREAS, the Administration at the University of Hawai'i at Mānoa (UHM) has already implemented this proposed reorganization, circumventing the established protocol for UHM campus reorganizations and bypassing faculty consultation and governance; and,

WHEREAS, the UHM Administration's actions with regard to faculty consultation and governance undermine the faculty's confidence in the Administration's commitment to shared governance;



THEREFORE, BE IT RESOLVED that the Mānoa Faculty Senate Endorses with Reservations the reorganization of the Center for Oral History into Ethnic Studies; and,

BE IT FURTHER RESOLVED that the Mānoa Faculty Senate condemns the UHM administration for repeatedly implementing reorganizations before seeking “consultation” with the respective college(s) and the Mānoa Faculty Senate in violation of established UH reorganization procedures and fundamental academic principles of shared governance.

Supporting Documents:

- [CAB Checklist on the Proposed Reorganization of the Center for Oral History](#)
- [Reorganization Proposal for the College of Social Sciences, Social Science Research Institute / Department of Ethnic Studies / Center for Oral History](#)



Resolution Calling for the Provost to Consult About and Revise Implementation of the "Plan for Online and Distance Credit Programs and Courses"...

1 message

UHM Faculty Senate <uhmfs@hawaii.edu>

Wed, May 20, 2020 at 9:23 AM

To: BOR Testimony <bor.testimony@hawaii.edu>, David Lassner <david@hawaii.edu>, Michael Bruno <mbruno2@hawaii.edu>, Alexandra French <afrench@hawaii.edu>, William Chismar <chismar@hawaii.edu>
Cc: SEC <uhm-mfs-sec@lists.hawaii.edu>, Amy Luke <aluke@hawaii.edu>, Robyn Okumura <chowhojr@hawaii.edu>, Debra Ishii <debrai@hawaii.edu>, Lily Wong <lilywong@hawaii.edu>

Aloha,

The Mānoa Faculty Senate approved the **Resolution Calling for the Mānoa Provost to Consult About and Revise Implementation of the "Plan for Online and Distance Credit Programs and Courses" Until Such Consultation Has Occurred and the Financial and Programmatic Impacts of the Change Have Been Adequately Evaluated** at the May 13, 2020 Senate meeting with 71 votes (93.42%) in support; 5 votes (6.58%) against; and 4 abstentions.

The resolution is attached.

Please feel free to contact me at (808) 375-7092 if you have any questions or need additional information.

Thomas Conway, M.B.A., Ph.D.
2019-20 Mānoa Faculty Senate Chair

John Kinder for Thomas Conway
Administrative Officer

Mānoa Faculty Senate Office | [2500 Campus Road](#) | Hawai'i Hall 208 | Honolulu, HI 96822 | Ph: (808) 956-7725 | uhmfs@hawaii.edu | Senate Website: www.hawaii.edu/uhmfs

2 attachments

 **20200513_transmittal_Reso_Calling_for_Provost_to_Consult_about_and_Revise_Implem_of_Plan_for_Online_and_Distance_Credit_Programs_and_Courses.pdf**
241K

 **20200513 CAPP Resolution on the Plan for Online and Distance Credit Programs and Courses.docx**
76K



May 19, 2020

MEMORANDUM VIA E-MAIL

TO: Benjamin Kudo, Chair
Board of Regents

David Lassner, President & CEO
University of Hawai'i

Michael Bruno, Provost
University of Hawai'i at Mānoa

Sandy French, Interim Vice Chancellor for Administration, Finance & Operations
University of Hawai'i at Mānoa

William Chismar, Dean Outreach College
University of Hawai'i at Mānoa

FROM: Thomas Conway, Chair
Mānoa Faculty Senate

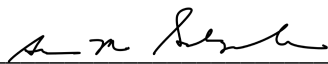
RE: **RESOLUTION CALLING FOR THE MĀNOA PROVOST TO CONSULT ABOUT AND REVISE IMPLEMENTATION OF THE "PLAN FOR ONLINE AND DISTANCE CREDIT PROGRAMS AND COURSES" UNTIL SUCH CONSULTATION HAS OCCURRED AND THE FINANCIAL AND PROGRAMMATIC IMPACTS OF THE CHANGE HAVE BEEN ADEQUATELY EVALUATED**

The Mānoa Faculty Senate approved the **RESOLUTION CALLING FOR THE MĀNOA PROVOST TO CONSULT ABOUT AND REVISE IMPLEMENTATION OF THE "PLAN FOR ONLINE AND DISTANCE CREDIT PROGRAMS AND COURSES" UNTIL SUCH CONSULTATION HAS OCCURRED AND THE FINANCIAL AND PROGRAMMATIC IMPACTS OF THE CHANGE HAVE BEEN ADEQUATELY EVALUATED** at the May 13, 2020 Senate meeting with 71 votes (93.42%) in support; 5 votes (6.58%) against; and 4 abstentions.

The resolution is attached.

Please feel free to contact me if you have any questions or need additional information.

Thomas Conway, Ph.D.
Mānoa Faculty Senate Chair



Ann Sakaguchi, Ph.D.
Mānoa Faculty Senate Secretary



Presented to the Mānoa Faculty Senate by the Committee on Academic Policy and Planning (CAPP) for a vote of the full Senate on May 13, 2020, a resolution calling for the Mānoa Provost to consult about and revise implementation of the “Plan for Online and Distance Credit Programs and Courses” until such consultation has occurred and the financial and programmatic impacts of the change have been adequately evaluated. Approved by the Mānoa Faculty Senate on May 13, 2020 with 71 votes (93.42%) in support; 5 votes (6.58%) against; and 4 abstentions.

RESOLUTION CALLING FOR THE MĀNOA PROVOST TO CONSULT ABOUT AND REVISE IMPLEMENTATION OF THE “PLAN FOR ONLINE AND DISTANCE CREDIT PROGRAMS AND COURSES” UNTIL SUCH CONSULTATION HAS OCCURRED AND THE FINANCIAL AND PROGRAMMATIC IMPACTS OF THE CHANGE HAVE BEEN ADEQUATELY EVALUATED

WHEREAS, the Mānoa Provost and Dean of the Outreach College met with the Mānoa Faculty Senate Committee on Academic Policy and Planning (CAPP) on April 22, 2020 to discuss the proposed “Plan for Online and Distance Credit Programs and Courses” (dated February 14, 2020) differentiating via Banner “extension (online/distance) students from full-time day students, and extension programs from day programs”; and

WHEREAS, the Provost and the Dean of the Outreach College committed at that meeting to consulting with various departments and programs across the university that might be impacted by this change; and

WHEREAS, CAPP appreciates the commitment to consulting with impacted departments and programs but still has concerns about implementation of the Plan in Fall 2020; and

WHEREAS, the Plan states that “extension students will be limited to courses offered through extension terms and the day students will be limited to courses offered through the day term”; and

WHEREAS, the Plan differentiates students not by full- or part-time status, but rather the program the student is enrolled in and whether that program is classified as an extension or day program; and

WHEREAS, neither the Mānoa Provost nor the Dean of Outreach College has presented sufficient evidence that compels the changes for all students, both full- and part-time, and for all programs in the university; and

WHEREAS, such evidence as has been provided (for one academic year as indicated at the Mānoa Faculty Senate meeting on February 19, 2020) indicated a problem for 476 students who were charged credit hours above full-time tuition due to enrollment in Outreach courses; and



WHEREAS, no other alternative solutions have been presented or discussed publicly, no analysis of benefits of the current system has been conducted (for example, optimization of student choice and access) and there has been no analysis of unintended consequences for programs, departments and students; and

WHEREAS, the proposed change may cause significant harm to academic departments and programs while also limiting choice for students, with no evidence having been provided to the contrary; and

WHEREAS, faculty have purview over academic decision making, including curriculum, and administrative decisions such as this change are inconsistent with principles of academic governance; and

WHEREAS, the Mānoa Faculty Senate recognizes the critical importance of consultation and shared governance to improve policy decisions and make them more sustainable; and

WHEREAS, the proposed changes may cause changes in faculty workload and resources available to faculty, thus constituting potential violations of the Collective Bargaining Agreement; and

WHEREAS, page 108 of the 2017-2021 UHPA Collective Bargaining Agreement (Memorandum R-20: Roles and Consultation Protocols Involving UH Administration, UH Professional Assembly, and UH Faculty Senates) specifies in Part I that “policies regarding ... management of the academic activities of a college or department ... will be referred to shared governance entities or departments at the level concerned; and

WHEREAS, page 109 of the 2017-2021 UHPA Collective Bargaining Agreement (Memorandum R-20: Roles and Consultation Protocols Involving UH Administration, UH Professional Assembly, and UH Faculty Senates) specifies in Part III that “changes in tuition and fees that have a material impact on budget items” should be jointly referred to Senates and UHPA; and

WHEREAS, the report titled “University of Hawai‘i at Mānoa Outreach College, December 2017,” found in the materials for the Board of Regents (BOR) Internal Audit Committee meeting (February 7, 2018), recommended that “Outreach College perform an evaluation to determine whether this tuition policy related to Credit Programs should be modified” (pg. 16); and

WHEREAS, an evaluation of the impact of the proposed changes on various university departments, programs and students would provide information, such the nature of student choice in courses and majors, potential impact on student choice, potential impact on part-time students enrolled in campus or extension programs, potential impact on faculty workload, potential impact on access to courses when on campus courses are fully subscribed, and other possible solutions to the problem as defined by the Provost, and perhaps other data we do not yet understand; and

WHEREAS, a thorough evaluation would inform the Mānoa Faculty Senate and other decision-makers about the programs provided by departments and units by including both student and faculty points of view; and



WHEREAS, the Mānoa Administration has not formally consulted with the Mānoa Faculty Senate or the University of Hawaii Professional Assembly (UHPA) on this proposed Plan nor has a thorough evaluation of potential impacts on departments, programs, and students been conducted; therefore,

BE IT RESOLVED, that the Mānoa Faculty Senate calls for the Provost and the Dean of Outreach College to revise the implementation of the proposed changes until a proper evaluation and consultations with UHPA and the Mānoa Faculty Senate, as well as consultations with potentially impacted departments and programs, are completed; and

BE IT FURTHER RESOLVED, that should meaningful consultation on this issue not occur in a timely manner, the Mānoa Faculty Senate may choose to take additional action, up to and including censure.

Supporting Documents:

1. [Plan for Online and Distance Credit Programs and Courses](#)
2. [“University of Hawaii at Manoa Outreach College, December 2017” found in the materials for the Board of Regents \(BOR\) Internal Audit Committee meeting \(February 7, 2018\)](#)