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**From:** UH EAUR - Government Relations Office [uhgovrel@hawaii.edu]  
**Sent:** Wednesday, March 17, 2010 2:45 PM  
**To:** WLOtestimony  
**Subject:** HCR311/HR226 - HED/WLO on 3/19 at 10:30am  
**Attachments:** hcr0311\_hr0226\_uoh\_03-19-10\_hed-wlo.pdf

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2444 Dole Street, Bachman 109J  
Honolulu, Hawaii 96822  
(808) 956-8363



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Higher Education and  
House Committee on Water, Land & Ocean Resources  
March 19, 2010 at 10:30am  
by  
James R. Gaines  
Vice President for Research

HCR 311/HR 226 – REQUESTING THAT THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY PROVIDE A WRITTEN REPORT OF VIEWING TIME IN LIEU OF LEASE RENT AND FOR THE USE OF PUBLIC TRUST LANDS ON THE SUMMIT OF MAUNA KEA

Chairs Chang and Ito, Vice Chairs Nakashima and Har and members of the Committees:

The University of Hawai'i is pleased to respond to the spirit of resolutions HCR 311/HR 226, which seek to clarify the financial implications of the agreements between the Telescopes located at the summit of Mauna Kea and the University of Hawai'i. There are three "specifics" of the resolutions that we would ask you to reconsider.

First, the resolutions request information and data that goes back to 1968, 32 years ago. We simply do not have such data, nor is such old data particularly germane to the central questions to be answered. We will supply any/all data that addresses the financial implications for the past year and address any/all questions that pertain only to the earlier time period.

Secondly, the resolutions require a University response in 14 days following enactment of the joint resolution. We respectfully request an amended response period to allow us adequate time for a meaningful response.

Thirdly, the University does not agree with all the factual statements presented in the "whereas" statements of the individual Senate and House resolutions. We would be pleased to respond to each of these statements to better seek a common understanding of the central issues.

Thank you for the opportunity to testify.

[REDACTED]

[REDACTED]

[REDACTED] Testimony  
[REDACTED] 3/18/2010 10:30 AM  
[REDACTED]  
[REDACTED] Testimony for HCR311 on 3/19/2010 10:30:00 AM

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Thursday, March 18, 2010 11:32 AM  
To: HEDtestimony  
Cc: kealiagirl2004@yahoo.com  
Subject: Testimony for HCR311 on 3/19/2010 10:30:00 AM

Testimony for HED/WLO 3/19/2010 10:30:00 AM HCR311

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Puanani Rogers  
Organization: Ho`okipa Network - Kauai  
Address: 4702 Mailihuna Rd. Kapaa, Hawaii  
Phone: (808) 652-1249  
E-mail: [kealiagirl2004@yahoo.com](mailto:kealiagirl2004@yahoo.com)  
Submitted on: 3/18/2010

Comments:

I strongly support this measure. Mahalo for your yes vote.

[REDACTED]  
From: [REDACTED]  
Subject: Fw: Testimony for HCR311 on 3/19/2010 10:30:00 AM

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Thursday, March 18, 2010 10:17 AM  
To: HEDtestimony  
Cc: kawehi11@yahoo.com  
Subject: Testimony for HCR311 on 3/19/2010 10:30:00 AM

Testimony for HED/WLO 3/19/2010 10:30:00 AM HCR311

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Rita Kawehi Kanui  
Organization: Hewahewanui 'Ohana Council  
Address: 41-169 Polialala Street  
Phone: 692-2611  
E-mail: [kawehi11@yahoo.com](mailto:kawehi11@yahoo.com)  
Submitted on: 3/18/2010

Comments:  
Aloha,

We oppose this measure due to the unfairness of the cost of rent, which is really meant for kanaka maoli, except these people and the UH are not kanaka maoli.

As the Po'o for the Hewahewanui 'Ohana Council it is for our ancestors that we oppose anything being built there, let alone the \$1.00 rental...is a violation of trust responsibilities of this State that lost a recent case: Kalima vs. The State of Hawai'i.

Future scrutiny must be made on every land that a project is being planned, that community meetings be held with kanaka maoli who holds the vested rights on all Crown and Government Lands. Also, that they should know that the State is just to "manage" our lands, after we approve it, without a meeting it is a violation which we will hold all concerned responsible for not following the laws of this land as stated in: Article 43, 1907 Hague Convention IV, "occupant must administer the laws of the occupied State" and that we rely on, The Cleveland-Liliuokalani Executive Agreement. (See: [hawaiiankingdom.org](http://hawaiiankingdom.org)).

Inclosing we are opposed to this resolution until there is a community meeting in Hilo to get feed back from those who are affected by this resolution, to get permission, is our first concern that the UH must resolve before doing anything on the Crown and Government lands, that are sacred to the kanaka maoli.

Mahalo,  
Rita Kawehi Kanui, Po'o



[REDACTED]

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[REDACTED]

Testimony for HED/WLO 3/19/2010 10:30:00 AM HCR311

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Nelson Ho  
Organization: Individual  
Address:  
Phone:  
E-mail: [nho.hoku@gmail.com](mailto:nho.hoku@gmail.com)  
Submitted on: 3/17/2010

Comments:

The University of Hawaii has mismanaged Mauna Kea for almost 30 years. This year they are asking for an additional \$2.1 million, supposedly to BEGIN proper natural and cultural resource protection. It is not true.

The University will turn the Office of Mauna Kea Management into a PROMOTER AND LEGAL DEEP POCKET for the richest institutions and countries in the world who are doing industrial strength astronomy on Mauna Kea. END THESE SUBSIDIES THAT DEGRADE WHAT IS UNIQUE IN HAWAII. Mahalo.

[REDACTED]

From: [REDACTED] on behalf of HEDtestimony  
[REDACTED] 3/18/2010 7:20 PM  
Subject: [REDACTED] HCR311 [REDACTED] 10:30:00 AM

-----Original Message-----

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Thursday, March 18, 2010 4:13 PM  
To: HEDtestimony  
Cc: kahiwal@cs.com  
Subject: Testimony for HCR311 on 3/19/2010 10:30:00 AM

Testimony for HED/WLO 3/19/2010 10:30:00 AM HCR311

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Clarence ku Ching  
Organization: Individual  
Address: 64-823 Mamalahoa Highway Kamuela, HI  
Phone: 808-769-3828  
E-mail: [kahiwal@cs.com](mailto:kahiwal@cs.com)  
Submitted on: 3/18/2010

Comments:

At a time when the state is in a dire financial situation, and if a fair-value rent were paid by astronomy facilities on Mauna Kea by national telescopes of foreign nations who are in lots better economic status than the state - all participants would be better off.

It is a known fact that a fair rent - such as that paid by Yale University for the Kecks - that derived incomes thereof would approach astronomical figures such as the heavens that the users are observing.

On the other hand, with the kinds of private support that such observatories as the Kecks and that of the proposed TMT (multi billionaires Mr. and Mrs. Moore, co-founder of Intel) - it is a crime that they are or will be reaping the rewards of a nominal rent approaching \$1 per year - riding on the financial coattails of the state and of the Hawaiian people (as OHA should get a piece of the action).

Presently, does OHA get the value of 20% of the value of observing time that is supposed to be paid in lieu of rent? I don't think so.

At the very least - there should be an accounting of the millions of potential dollar income that is involved on the mountain.

Thanks for this opportunity.

Clarence ku Ching