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From: Kat Brady [kat.lifeoftheland@gmail.com]
Sent: Thursday, March 18, 2010 7:48 PM
To: WLOtestimony
Subject: 3.19 Testimony HCR 311/HR 226
Attachments: 03D.gif; 3.19 WLO-HED Testimony HCR 311-HR 226.docx

Sorry for the LATE testimony.

MAHALO NUI! 🍷

LATE TESTIMONY



LIFE OF THE LAND

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COMMITTEE ON WATER, LAND & OCEAN RESOURCES

Rep. Ken Ito, Chair

Rep. Sharon Har, Vice Chair

COMMITTEE ON HIGHER EDUCATION

Rep. Jerry Chang, Chair

Rep. Mark Nakashima, Vice Chair

Friday, March 19, 2010

10:30 a.m.

Room 325

STRONG SUPPORT for HCR 311/HR 226 – Mauna Kea

WLOTestimony@capitol.hawaii.gov

Aloha Chairs Ito and Chang and Members of the Committee!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai'i's own energy, environmental and community action group advocating for the people and `aina for over four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HCR 311/HR 226 requests that the UH 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.

Life of the Land is in strong support of this measure. We continue to be saddened by the desecration of the sacred temple, Mauna Kea.

WHY MAUNA KEA MUST BE PROTECTED

In Native Hawaiian traditions, 'Kea' is the abbreviated form of Wakea, the sky god who, together with Papa, the earth mother, and other gods and forces created the Hawaiian Islands. The summit is the meeting point of Wakea and Papa. In this cultural context, the island of Hawai'i was the first-born offspring of this union, the eldest of the islands.

Wakea and Papa also became the parents of the first Native Hawaiian man, Haloa, the first ancestor of the Hawaiian people. These beliefs about Mauna Kea make it a highly significant and spiritual place to the Hawaiian people. The summit is thus associated with the activities of

Hawaiian deities, and appear as the focal point in numerous legends and oral histories. The cones are also critical landscape elements in maintaining the integrity of Mauna Kea.

When the Polynesians first came to the Hawaiian Islands, Mauna Kea was the first land they spotted from their canoes. The sight was so overwhelming to them that they identified Mauna Kea as the *piko* (umbilical cord) ever since. That connection is indelible to the Kanaka Maoli and one that continues to be a guiding force for the first people of these islands.

FUNDING THE PROTECTION OF MAUNA KEA

For the past 30 years, observatories on Mauna Kea have paid only \$1 annually for their use of this sacred mountain. In lieu of rent, they give 10-20% of their observatory viewing time to the University of Hawai'i.

In the alternative plan put forth by the Royal Order and Mauna Kea Anaina Hou, those nights would be sold on the international astronomy 'market' with the revenue going to the protection and management of the cultural resources of Mauna Kea, to education, and to Hawaiian agencies. Since one night on a telescope can be sold for up to \$80,000, the eleven observatories could bring in millions per year to protect this sacred property.

Life of the Land respectfully requests that the revenue also go to the environmental as well as cultural protection of Mauna Kea. There is a very unique and fragile ecosystem there. The wekiu bug was just discovered there within the last 20 years – a bug that actually has an antifreeze-like substance to withstand the cold and wind on the mountain. We're sure that all the wonders of Mauna Kea have not yet been revealed.

DLNR's funding is inadequate to protect the more than one million acres under their stewardship.

Since the telescopes have moved in and changed the face of the summit, they should be responsible to protect and restore the environment and cultural resources. They have been fined a small amount compared to the damage that has been done.

ACCOUNTABILITY AND TRANSPARENCY

The report will give you, Hawai'i's policymakers, a clearer picture of how to spend the hard-earned money of taxpayers for which you are responsible.

The resolution requests that the report include historical information since 1968, a determination of the value of viewing time for each facility since 1968, list of all viewing time, financial aid, in-kind exchange, and other benefits and copies of all contracts, agreements, or any other writing for the use of Mauna Kea since 1968. Right on!

Please pass this measure. Mahalo for the opportunity to testify.

Sunshine Is The Best Disinfectant!



From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 18, 2010 7:14 PM
To: HEDtestimony
Cc: waioli2@hawaiiantel.net
Subject: Testimony for HR226 on 3/19/2010 10:30:00 AM

Testimony for HED/WLO 3/19/2010 10:30:00 AM HR226

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: chris kobayashi
Organization: Individual
Address:
Phone:
E-mail: waioli2@hawaiiantel.net
Submitted on: 3/18/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 18, 2010 7:31 PM
To: HEDtestimony
Cc: phonicsworks@gmail.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: Yes
Submitted by: Luwella K Leonardi
Organization: Individual
Address: 85-1363 Halapoe Pl Waianae, HI
Phone: 696-2744
E-mail: phonicsworks@gmail.com
Submitted on: 3/18/2010

Comments:

Hawaiians give more than their share because they value humanity. All that one ask is for good stewardship and respect to our beloved aina. The treatment of our Na Kupuna and their private visits and prayers have been violated in sessions of 'talk' with University of Hawaii at Manoa. Given their paychecks and wonderous economics a more powerful misuse of our lands and degradation of our values, I'm opposed to a continuation of it's abuses and want an transparent audit.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 18, 2010 10:57 PM
To: HEDtestimony
Cc: kealohap09@gmail.com
Subject: Testimony for HR226 on 3/19/2010 10:30:00 AM
Attachments: Testimony in support of MK Audit resolutions hb226 and HCR311.doc

Testimony for HED/WLO 3/19/2010 10:30:00 AM HR226

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Kealoha Pisciotta
Organization:
Address:
Phone:
E-mail: kealohap09@gmail.com
Submitted on: 3/18/2010

Comments:

LATE TESTIMONY

~~Leg_HCR311.doc~~

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, March 18, 2010 11:10 PM
To: HEDtestimony
Cc: dward@hawaii.edu
Subject: Testimony for HCR311 on 3/19/2010 10:30:00 AM
Attachments: SC testimony for Leg_ HCR 311.doc

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

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Deborah Ward
Organization: Sierra Club, Hawaii Chapter
Address: P.O.Box 918 Kurtistown HI 96760
Phone: 808-966-7361
E-mail: dward@hawaii.edu
Submitted on: 3/18/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 19, 2010 7:05 AM
To: HEDtestimony
Cc: keomaivg@gmail.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: Keomailani Von Gogh
Organization: Individual
Address: Olaa, Hawaii
Phone:
E-mail: keomaivg@gmail.com
Submitted on: 3/19/2010

Comments:

Aloha, I strongly support this bill. Rent is past due and by finally doing an audit we can hopefully get a clear picture on what amount of money is being generated for private corporations and foreign businesses through 3rd party leasing. Mauna Kea place of creation for the Hawaiian people equal to the Garden of Eden in the Christian religion. It has also been designated a conservation district and should be revered by all and have the utmost protection. I would like to see rent paid (as required by law) and no further development whatsoever. I would also like to know if these corporations and foreign entities pay any GE tax on the income they generate here in Hawaii. And last but not least, passing HCR311 would generate tens of millions of dollars annually that we all know we need in our State desperately. The astronomy community is always talking about how astronomy is good for our children but our kids can't even attend school on Fridays.

Mahalo for your time and consideration. Please support HCR311.

Keomailani Von Gogh



Hawaii Island Economic Development Board
ISLAND OF OPPORTUNITY

LATE TESTIMONY

LATE TESTIMONY

Representative Jerry L. Chang, Chair
House Committee on Higher Education

Representative Ken Ito, Chair
House Committee on Water, Land, & Ocean Resources

Friday, March 19, 2010; 10:30 a.m.
Hawaii State Capitol - Conference Room 325

RE: 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 Committee members:

My name is Jacqui Hoover and I submit this testimony on behalf of the Hawaii Island Economic Development Board in **opposition to HCR 311/HR 226**. We would like to take this opportunity to point out some inaccuracies contained in this Resolution.

No Danger to Mauna Kea Aquifer

The statement relating to the Mauna Kea aquifer implies that the observatories on the summit of Mauna Kea pose a danger to the aquifer and the drinking water of Big Island residents. This is not true.

Because the conservation district on Mauna Kea encompasses both the high elevations (8,000 to 14,000 feet) and lower elevations (5,000 to 2,000 feet) it is true that the conservation lands encompass critical watershed and forestry lands. However, the critical watershed and forestry lands are those lands in the lower elevation band. Above 8,000 feet there is little rainfall (less than 30 inches/year) and therefore little forest and little groundwater recharge generated at those high elevations. The bulk of groundwater is generated by the higher rainfall (60 to 200 inches/year) in the lower elevation band of conservation land. Maps that depict the limits of groundwater aquifers show all the aquifers extending to the summit of Mauna Kea, which makes people perceive that the summit of Mauna Kea is the “headwaters” for these aquifers; however, due to the reasons described, the land above 8,000 feet contributes less to the aquifer than the lower elevations. Furthermore, all the developments above 8,000 feet do not eliminate or inhibit groundwater recharge in anyway.

The concern people have seems to revolve around the potential for pollution of the aquifer. Studies carried out to evaluate potential pollutants related to septic tanks in the summit region have demonstrated that wastewater discharged via septic tanks in the summit region have not and will not impact water quality at drinking water wells down gradient. As described above, the groundwater is primarily derived from the lower elevations.

UH Does Not Have Resources to Build Telescopes and Needs Scientific Partnerships

The underlying implication of the sub-lease statements is that the State is “giving away” a valuable public trust resource without getting anything in return. To appreciate why this is not the case, one first needs to understand the basic philosophy behind the development; the essential role played by the IfA; and the educational, scientific and economic benefits that accrue to the State of Hawaii from astronomy.

It is logical to think that UH should build powerful observatories on its own, as the universities in California, Texas, and Arizona and on the East Coast have done. Unfortunately, UH is a medium-sized state university with a very limited budget, and Hawaii is a small state with limited resources. Thus, a different concept was developed - the concept of scientific partnerships.

Within this concept the national and international partners contribute the capital funding for the facility, carry most or all of the operational costs, and contribute to the infrastructure development. The University, through the IfA, provides the leadership and know-how to operate an observatory at extreme altitude, the management of the physical and operational infrastructure (roads, power, fiber-optics communications, food, and lodging) and ongoing protection from adverse intrusions such as light pollution and radio frequency interference. The University also provides the land for the observatory site from its lease from the State, along with assistance in planning and permitting. The University and its partners collaborate in the scientific use of the telescopes including development of technologically advanced instrumentation. Most importantly, they share the scientific observing time on the facilities with no cost to the University.

In this way, the University and the State do not have to contribute the enormous capital costs to design and build the extremely powerful new telescopes, but are still able to provide researchers with access to these unique facilities and gave them the opportunity to build up one of the best astronomical research and education programs in the world.

The benefits, both economic and otherwise, are substantial as indicated below.

1. Astronomy facilities on Mauna Kea and Haleakala represent a capital investment of close to \$1 billion. The economic impact of astronomy to the State amounts to \$140 million per year. New projects for Haleakala and Mauna Kea have the potential to double these numbers.

2. The observatories and other astronomy-related activities on Mauna Kea and Haleakala provide 600 quality jobs in a clean high-tech industry on the neighbor islands. It is important to note that only a small fraction of these jobs are for astronomers. Most of them are for technical, administrative and logistic services. Beyond the simple numbers, there is the fact that astronomy as a high-tech science diversifies the Hawaii economy and gives local young people with scientific and technical talents a wealth of opportunities to realize their potential without having to leave Hawaii to pursue employment elsewhere. Unlike some high-tech industries, astronomy is fundamentally rooted in Hawaii. Once established, an astronomy facility cannot be easily relocated to the mainland or overseas.
3. Astronomy is one of UH's most successful programs and the IfA has developed into one of the world's preeminent centers for astronomical research. Its graduate program is among the best in the world and about 1,000 undergraduate students per year participate in astronomy courses in Manoa. UH Hilo has also developed a very successful astronomy undergraduate program.
4. The Mauna Kea Observatories are the world's largest observatory complex, and will remain so for the foreseeable future. Hawaii and its State University are recognized around the world for this outstanding achievement—a source of tremendous prestige for the State. Approximately 1,500 scientists come to work at the Observatories each year; most add some vacation time to their trip. Hundreds of others come to Hawaii each year to participate in astronomy-related conferences. Several small companies make a business of providing quality tours to Mauna Kea. The observatories' base facilities in Hilo, Waimea and on Maui are a major addition to those communities and contribute in many ways.
5. Over the years, the observatories have made significant monetary contributions to the infrastructure, much of which is of benefit to the general community. This includes \$2 million for road improvements on Mauna Kea and another \$2 million to assist GTE Hawaiian Tel to install a fiber optics cable across the Saddle from Waimea to Hilo. This cable provides state-of-the-art service for both the Big Island telephone system and the observatories.
6. The observatories operate the Visitor Information Station at Hale Pohaku, which provides free public star gazing seven nights a week and welcomes about 100,000 visitors each year.
7. The observatories pay the entire cost of maintenance and snow removal for the road and they pay for emergency services. The public can use the road all the time. The costs for this service and the Visitor Station amount to \$700,000 a year.

Although the economic benefits are substantial, it is important to keep in mind that the primary mission of astronomy is not to generate revenue. Astronomy is basic science and concentrates on the scientific exploration of the universe. Astronomy is the mother of all sciences and has changed our understanding of the world and our thinking as humans like no other science. The telescopes on Mauna Kea and Haleakala have contributed fundamentally to the advancement of modern astronomy. They have not been built and have never been used to generate any kind of income for the partner institutes or UH. None of the observatories earn revenue by charging fees for observing time. In fact most of them are prohibited from doing so either by their terms of incorporation or by their funding. The telescopes are not private commercial instruments. They are world-class research facilities, and the best window our planet provides on the strange and wonderful universe we live in.

Payment for “Viewing Nights”

Currently the operating costs for the W. M. Keck Observatory are borne by the University of California (83 percent) and NASA (17 percent). Caltech was responsible for the original costs of building the telescopes and does not pay for operations cost because it secured large grants from the Keck Foundation and NASA to fund the construction of the Observatory.

This arrangement comes to an end in 2018. At that point Caltech will need to share in funding to operate the facility (42 percent to retain its current share). For this reason, Caltech sought new partners to raise funds for Keck operations beginning in 2018. The funds from this agreement will be used solely to operate the W.M. Keck Observatory. These funds will pay salaries for staff on the island of Hawai'i to maintain and operate the telescopes on the summit and the base facility in Waimea.

The only funds received for “observation viewing nights” are those necessary to reimburse the cost of providing agreed services, such as the operation of W.M. Keck Observatory, pay salaries for staff on the island of Hawai'i to maintain and operate the telescopes on the summit and the base facility in Waimea. In short, the money is used to pay the high fixed operational costs of the observatories. As such, there are no “revenues” or “profits” in the sense of funding that could be used for other purposes. In light of these facts, no useful purpose would be served by the proposed written report and audit.

Thank you for the opportunity to comment on HCR 311/HR 226.



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LATE TESTIMONY

**HCR311/HR226 Fair Market Rent for Use of Mauna Kea
Room 325, 10:30 am
March 19, 2010**

Aloha Chairman Chang and Chairman Ito, and members of the Committees on Higher Education and Water, Land, and Ocean,

Mahalo for this opportunity to express our strong **support for HCR311 and HR226**. This resolution offers an important revenue-generating opportunity for Hawaii. For too long, the state has allowed wealthy nations and corporations to build telescopes on Mauna Kea's public lands free-of-charge. Millions of dollars have been generated from the use of Mauna Kea, but that money has completely bypassed the state's general fund.

This resolution is the first step towards rectifying this insulting inequity because it directs the State's Auditor to objectively assess the market-based value of telescope activities on Mauna Kea for the purposes of collecting rent. We urge you to support this resolution because:

A. The Law Requires Market-based Rent be Charged for the use of Public Lands

Hawaii Revised Statutes § 171-17 states that:

"The sale price or lease rental of lands to be disposed of by drawing or by negotiation shall be no less than the value determined by:

- 1) an employee of the board qualified to appraise lands; or
- 2) a disinterested appraiser or appraisers..." HRS §171-17(b).

In addition, HRS §171-18 requires that proceeds from the lease of any public land be deposited in the general fund of the State Legislature.

B. Collecting Rent Benefits the University of Hawaii and All the People of Hawaii

The University of Hawaii, as well as every public service and institution in Hawaii, is crippled by the budget crisis. Without new revenue sources, our only choices are to raise taxes and further reduce important public services. Collecting the rent owed on the use of public lands on Mauna Kea from the wealthy countries and companies that own and operate these telescopes is one such new revenue source. By acting in our collective best interest, we can avoid debilitating cuts and increased taxes, and comply with state law.

Mahalo,

Marti Townsend
Program Director

LATE TESTIMONY

Testimony In Support of HCR 311 and SCR 227

From William H. Wilson and Larry L. Kimura, *L. Kimura*

Aloha Legislators, *William H. Wilson*

Our names are William H. Wilson and Larry L. Kimura. We are senior faculty of the Hawaiian language college at UH-Hilo. This testimony is ours as citizens, rather than as official testimony of the University of Hawai'i.

In the late 1990s, when the issue of the university's management of Maunakea became a matter of concern, a special university committee was formed and we were appointed co-chairs. The committee included a diverse membership from different groups with an interest in Maunakea from astronomers to hunters, and from Native Hawaiian entities to environmentalists.

Although UH-Hilo was then not associated directly with Maunakea, and although the Institute for Astronomy at the Mānoa campus was the entity responsible for working with the observatories on Maunakea, we were appointed to lead the committee. Our leadership was appropriate because of the great concern on the Island of Hawai'i regarding Maunakea, because of special concern for Maunakea within Hawaiian culture and the Native Hawaiian community, and because of ancestral connections of one of us to the mountain.

What HCR 311 and SCR 227 seek to obtain relative to the financial accounting relative to Maunakea is something that our committee was unable to determine. Frustrations with the situation lead to a mass resignation of the committee including ourselves.

We believe that the information sought through these resolutions would be valuable to the state. We support them.