



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
Senate Committee on Water and Land
Senate Committee on Ways and Means
April 5, 2018 at 9:30 a.m.

by
David Lassner
President
University of Hawai'i

HB 1985 HD1 Proposed SD1 – RELATING TO LAND USE

Chairs Kahele, Rhoads, and Dela Cruz, Vice Chairs Kim, Gabbard, and Keith-Agaran, and members of the committees:

Thank you for the opportunity to provide official University of Hawai'i testimony regarding HB 1985 HD1 Proposed SD1. Respectfully, the University of Hawai'i (UH) cannot support this bill as written and as proposed to be amended.

The University of Hawai'i is not averse to change and has consistently and publicly expressed our willingness to consider alternate models of management for Maunakea. When legislators became interested in crafting a completely new approach, we expressed an openness to consider their proposals, which is consistent with the formal public position of the Board of Regents to move to a more collaborative model of management. We have consistently provided public testimony on the language from SB 3090 that has now been inserted into this bill. UH is also in regular conversation with Hawai'i Island Mayor Harry Kim and we are inspired by his vision to make Maunakea a global exemplar of peace and harmony where indigenous culture and the best science in the world coexist synergistically.

Fundamentally, we believe the new draft of House Bill 1985, and Senate Bill 3090, are based on a premise that is not correct, that the current management structure has failed and must be completely replaced. In fact, the 2014 State Audit reported that "We found that UH has developed several management plans that provide a comprehensive framework for managing and protecting Mauna Kea while balancing the competing interests of culture, conservation, scientific research, and recreation."

The complexity of balancing these competing interests is probably more of a challenge on Maunakea than anywhere in Hawai'i, and University of Hawai'i has not shied away from its responsibilities over these past years as we have developed plans and subplans with deep community consultation that have been approved by the Board of Regents and Board of Land and Natural Resources in full sunshine.

As a result of this work, UH stewardship of Maunakea was honored in 2017 with the highest recognition of preservation, rehabilitation, restoration and interpretation of the state's architectural, archaeological and cultural heritage from the Hawai'i Historic Foundation. In addition, the Kona-Kohala Chamber of Commerce honored UH with the 2017 Pūalu Award for Culture and Heritage for practices that promote island traditions and preserve multi-cultural heritage, and the 2016 Pūalu Award for Environmental Awareness for exhibiting sensitivity and concern for the environment through innovative environmental practices.

The extremely critical 1998 Audit was based on an assessment of roughly the first 30 years of stewardship since the beginnings of astronomy on Maunakea through the 1990s. Since that time, UH has created open, transparent and increasingly effective processes. We are proud of the dedicated work of our rangers, the volunteer Maunakea Management Board, the volunteer Native Hawaiian advisors of Kahu Kū Mauna, the Office of Maunakea Management and the 'Imiloa Astronomy Center. All of these are part of our work to manage and preserve, to educate and discover. There is of course more to be done and we are actively working every day to continue to improve.

With the foregoing in mind, here are just a handful of key high-level concerns about HB 1985 HD1 as proposed to be amended by SD1:

- 1) The bill does not establish a clear vision and commitment that astronomy and culture must coexist and thrive on Maunakea. Without that fundamental underpinning, whoever is responsible for stewardship will be accused of failure by those who do not accept both.
- 2) Significantly, the bill would result in a dramatic increase in the cost of management, even if the members of the new Authority will not be paid. There will still be a need to fund all the new executive positions, and all the new staff to work with the Authority members and executives. The bill and proposed SD1 do not explain the questionable premise that all these new costs can be covered by extracting more dollars from a smaller number of observatories, especially when the SD1 references the possible elimination of all commercial tours to the summit of Maunakea by January 1, 2020.
- 3) The complete exclusion of the University from direct involvement with management decisions concerning the education and research mission associated with Maunakea would likely result over the long-term in the loss of inspiring astronomical science and engineering in Hawai'i, and an associated decrease in economic investment and vitality. Notably, the bill lacks any requirement that the Authority ensure telescope viewing time is made available for Hawai'i astronomy students and faculty at both the Hilo and Mānoa campuses, or for the public. Without the commitment of local viewing time, the State's interests in astronomy will be reduced to a monetary-based financial landlord relationship.

4) The monetization of Maunakea that would result from the bill as currently written and proposed to be amended would be antithetical to the vision that has provided the basis for the development of world-class astronomy on Maunakea. From the outset, pursuant to the vision of Governor Burns and the Hawai'i Island community, the State adopted the policy that if astronomy was to come to Hawai'i, then the people of Hawai'i, through their University, would be full participants in the scientific endeavor and not simply landlords and bystanders. This basic philosophy led to the creation of the Institute for Astronomy (IfA) and of the Mauna Kea Science Reserve, with its specified purpose as a UH-managed asset for scientific research, in particular astronomy. Accordingly, the relationship between the University and the other observatory organizations was deliberately developed as that of a scientific partnership and only secondarily as a landlord-tenant relationship. Under the bill, the Authority would be a landlord, expected to extract all necessary financial support for its operations from revenues assessed to a declining number of observatories and some unspecified level of commercial tour operations.

5) The Maunakea observatories have expressed strong concerns about this bill in prior testimony to other committees. They have advised that to maintain funding support for their endeavors they need strong commitment and clear stability regarding the future of Maunakea astronomy. This bill creates substantial uncertainty regarding the State's commitment and creates the expectation of unknown but significantly rising costs to them. Loss of investment in astronomy would have tremendous negative economic impact on Hawai'i Island with impacts statewide, as astronomy is a significant employment, education, and economic driver for both. The Maunakea observatories and the University's activities on Maunakea directly provide approximately 500 clean high-tech industry jobs, only a small fraction of which are for astronomers; most are for technical, administrative, and logistic services. According to UHERO's 2014 report on the Economic Impact of Astronomy in Hawai'i, documenting the direct and indirect impacts of astronomy to the State's economy, the "astronomy sector is a significant contributor to Hawaii's economy," and astronomy's output statewide was "roughly equal to half of the output estimated for the agriculture, forestry, fishing, and hunting sector."

6) Although we appreciate the requirement that one Authority member be an expert in astronomy, we would prefer that expert to have experience with operating an observatory on Maunakea. The current language requires that the astronomy representative must not be currently employed "at an astronomy facility" associated with Maunakea or the IfA. "Astronomy facility" is undefined; this could potentially disqualify any working astronomer from membership on the Authority. Having IfA, UH Hilo and Maunakea observatories representation on the proposed 11-member candidate advisory council that will vote in secret does not sufficiently alleviate our concerns. Similarly, although we appreciate that advisory committees are to be created to advise the Authority on science, education and astronomy, as well as other areas, the roles of

such committees is not clear, thereby accentuating concerns that the nine-person Authority may lack relevant experience or commitment.

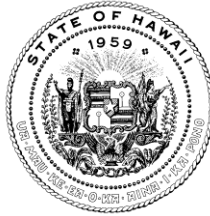
7) As a matter of sound and productive governance, we would urge the Legislature to reconsider the proposed structure under which individual members of the Authority are selected to each represent a very specific stakeholder group. We believe that this structure will result in a fractured Authority in which each member will carry the expectation of solely representing their own perspective. A successful Authority would be structured to collaboratively advance a synergistic and integrated vision in which astronomy, culture and education flourish together on Maunakea to honor and advance the people, culture, history, 'āina and achievements of the people of Hawai'i.

Being unable to support this bill as currently written does not mean the University is opposed to change. In fact, the opposite is true and that is why we share these concerns. At the same time, we are continuing to move forward. We have reinitiated the process for adopting administrative rules per Governor Ige's request and are in active consultation as required prior to going to public hearing. We have published our Environmental Impact Statement preparation notice seeking a new land authorization to ensure a thriving future for astronomy in Hawai'i. Internally, we are conducting an internal financial management audit per Board of Regents resolution and are now planning how we can restructure our internal programs to make them more efficient, clear and accountable. We are also planning how to best increase the synergies between science and culture, including for visitors and workers on the mauna. We will continue to engage with the Mayor of Hawai'i Island and the Governor around ideas and initiatives for improvement. And we would be happy to engage meaningfully with the Legislature if the Legislature is interested.

But we are not sitting idly by waiting for the Legislature or the Mayor or someone else to create a positive path forward for Maunakea and Hawai'i. Even as we collaborate with others, we are working toward the long-term improvements in management that will be needed for the next stages of collaborative stewardship under any model. This is all completely consistent with the activities we must and will undertake as we begin to update the Comprehensive Management Plan for Maunakea, as is necessary for any living document to usefully serve in a highly dynamic and complex environment.

Thank you for this opportunity to submit testimony.

DAVID Y. IGE
GOVERNOR OF
HAWAII



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CHAIRPERSON
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Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committees on
HIGHER EDUCATION
and
WATER AND LAND
and
WAYS AND MEANS

Thursday, April 5, 2018
9:30 am
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 1985, HOUSE DRAFT 1, PROPOSED SENATE DRAFT 1
RELATING TO LAND USE

House Bill 1985, House Draft 1, Proposed Senate Draft 1 proposes to: (1) Establish the Mauna Kea Management Authority (Authority), provide for the conveyance of the University of Hawaii (UH) lease lands on Mauna Kea to the Authority; (2) Amend Chapter 171, Hawaii Revised Statutes (HRS), to remove the lands so conveyed from the definition of public lands managed by the Board of Land and Natural Resources (BLNR); and (3) Repeal portions of Chapter 304A, HRS, regarding Mauna Kea lands. The Department of Land and Natural Resources (Department) notes that Proposed Senate Draft 1 deletes the contents of the prior House Draft 1 of the measure and inserts the substance of another bill before the Legislature this Session, Senate Bill 3090, Senate Draft 1, with a number of amendments. **The Department appreciates the intent of the measure, and while the current version addresses a number of concerns the Department raised with prior versions of Senate Bill 3090, the Department remains compelled to oppose House Bill 1985, House Draft 1, Proposed Senate Draft 1 as the current steward of the mountain.**

The Department's mission is to "Enhance, protect, conserve and manage Hawaii's unique and limited natural, cultural and historic resources held in public trust for current and future generations of the people of Hawaii nei, and its visitors, in partnership with others from the public and private sectors." In its oversight of Mauna Kea and the astronomy center established over fifty years ago, the Department and its BLNR act as landlord, conservation district

regulator, steward of natural, cultural, historic and recreational resources, as well as enforcer of the Department's laws and regulations.

The bill references perceived shortcomings with the current management of the mountain. The Department and UH have made great strides in improving the management of Mauna Kea since 1998, when an unfavorable audit was published. Attached for reference is a copy of the Office of Conservation and Coastal Lands' annual report to the BLNR on January 26, 2018, regarding Mauna Kea and recapping the management history of the mountain and improvements made over the years.

Even if some members of the public disagree with the way the mountain is managed, the current management process is transparent, allowing for open debate in public meetings of the BLNR. At the January 26, 2018 BLNR meeting, which was dedicated entirely to Mauna Kea and UH's annual report on its management, the public participated earnestly.

PART I of the measure imports many provisions of Chapter 171, HRS, on Public Lands, which is the statute the BLNR operates under with respect to State lands. The Proposed Senate Draft 1 of the measure deletes the references to sales of Mauna Kea lands that the Department expressed concern about in testifying on Senate Bill 3090.

PART II of the measure transfers title to the Mauna Kea lands from the Board to the Authority. While the Department opposes the land transfer, the Department is particularly concerned about potentially losing access over road located in TMK (3) 4-4-015:001. This portion of the road is essential for maintaining access to the Mauna Kea Ice Age Natural Area Reserve and Mauna Kea Forest Reserve, which is also part of Hunting Unit A. The Department requests that public and management access via this road to these areas be maintained.

Regarding funding of the Authority, PART III makes a general fund appropriation to the Authority for fiscal year 2018-2019 in the amount of \$800,000 for start-up costs and \$250,000 for the purpose of administration, capital improvement projects, and other purposes pursuant to the bill. The Department believes that the Authority would need continued general fund support to allow it to function effectively. Current management by the Department provides enforcement, monitoring, and security that minimize human impact to the area, as well as the overarching obligation to protect our public trust natural and cultural resources. The new Authority would similarly need to address the natural and cultural resource needs and public use demands. This includes the need for rules to regulate the public use of the area.

In other concerns, the Department notes that the composition of the Authority's nine-member board does not even include a representative from the Department, which is the one agency whose mission is to protect our public trust natural and cultural resources. The Department believes that it should be represented on the Authority's board, and that a representative of the Office of Hawaiian Affairs (OHA) should also be made a member of the board. As presently drafted, the measure limits OHA's role to: (1) nominating qualified persons to serve on the Authority's board as a "native Hawaiian practitioner or lineal descendant of practitioners of native Hawaiian traditional and customary practices associated with Mauna Kea"; and (2) having OHA's Hawaii Island representative/trustee serve on an eleven-member Candidate Advisory Council proposed under the measure. The Candidate Advisory Council would be charged with

providing lists of qualified candidates to the Governor for appointment of seven members of the Authority's board. The Department notes that the Department does not even have representation on the Candidate Advisory Council.

The Department agrees that lessees and sublessees on the mountain should pay significant rent so that OHA receives its share and the remaining revenue can be used in support of the management of the mountain. However, that must be a policy going forward because the terms and conditions of the existing leases and subleases, which require only nominal rent payments, are binding on the parties until the expiration or renegotiation of the contractual lease terms.

Finally, if the concern underlying the measure is UH's oversight of the mountain, then one option is to make the existing Mauna Kea Management Board (MKMB) independent with direct oversight of the Office Mauna Kea Management. MKMB would then no longer have to report to the UH Board of Regents. Rather, MKMB would operate independently in the best interests of the mountain without being beholden to UH.

In summary, the Department cautions against attempting to address the issues on Mauna Kea through the establishment of a new governmental body. The BLNR's broad mission allows it to take into consideration issues relating to protection of endangered species and natural habitat, cultural significance, archeological sites, historic features, trail access and other natural and cultural resources on the mountain. The BLNR should be allowed to continue managing the mountain to best protect the public trust and public engagement.

Thank you for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1985, H.D. 1, PROPOSED S.D. 1, RELATING TO LAND USE.

BEFORE THE:

SENATE COMMITTEES ON HIGHER EDUCATION AND ON
WATER AND LAND AND ON WAYS AND MEANS

DATE: Thursday, April 5, 2018 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Julie China, Deputy Attorney General

Chairs Kahele, Rhoads, and Dela Cruz, and Members of the Committees:

The Department of the Attorney General has the following comments on H.B. No. 1985, H.D. 1, proposed S.D. 1.

This bill transfers authority over land on Mauna Kea to the newly established Mauna Kea Management Authority and establishes various requirements and powers for management of the land. Section 1 of the bill adds a new chapter to the Hawaii Revised Statutes. The following references are to sections in that new chapter.

§ -5 on page 5, beginning on line 15: The candidate advisory council names individuals from several private organizations as part of its membership. These private individuals cannot be made to participate in the candidate advisory counsel. Therefore, quorum as defined in section -5(h) on page 20, line 18, to page 21, line 6, may be a problem.

§ -37 on page 62, beginning on line 15: Article VII, section 5, of the Hawaii Constitution states that "No public money shall be expended except pursuant to appropriations made by law." Part III, sections 9 and 10, on pages 89-90, contain appropriate wording for the expenditure of funds by the Mauna Kea Management Authority. Section -37, however, is not consistent with the Constitution or part III, and should be deleted.

§ -38 on page 63, beginning on line 6: If the telescope subleases are transferred to the Mauna Kea Management Authority, the authority will have all of the obligations that the University of Hawaii has under the subleases. The subleases should be reviewed to determine whether any of them impose a duty on the sublessor that is onerous or one that only the University can perform. Failure to comply with the sublessor's duties under the subleases could expose the Authority to liability, including and not limited to breach of contract.

§ -40 on pages 64-65: This section grants police powers to the Authority, and allows it to appoint and commission law enforcement officers. The bill provides that the officers "may enforce all state laws and rules and county ordinances and rules within all Mauna Kea lands; provided that those powers shall remain in force and effect only while in actual performance of their duties, which shall include off-duty employment when that employment is for other state departments or agencies." The Department has some concern that while the jurisdiction and responsibility of the Authority is limited to Mauna Kea, its commissioned officers appear to have statewide police authority. The Department is also concerned that an entity of such limited jurisdiction would have its own police force. With the grant of police authority there comes tremendous responsibility. The police force must be properly established, managed, and adequately funded. The police force must have adequate training, equipment, vehicles, facilities, and administrative resources.

The bill provides that an enforcement officer, upon arresting a person, may immediately take the person to a police station. But this would be a state arrest and investigation. It would not be a county matter. It cannot be assumed that the county police will allow the use of its facilities and resources to process and hold a state arrestee.

§§ -45(e) and -46 on page 73, line 16, to page 74, line 10: OHA has its own request for additional ceded land revenues in S.B. No. 2136 and H.B. No. 1747. Consideration should be given as to how these sections relate to other OHA revenue and the issue clarified in this bill.

We recommend that the following changes be made so that the bill is internally consistent.

1. § -2: For purposes of this bill, “Mauna Kea” and “Mauna Kea lands” should have the same definition. Otherwise, there will be confusion as to what lands the Authority controls. We recommend that the following: “Mauna Kea” means: all real property identified in part II of this Act that is situated on the mountain on the island of Hawaii known variously as Mauna Kea, Maunakea, Mauna a Wakea, Mauna O Wakea, Ka Mauna a Kea; or Mauna Akea; and all lands held in trust or otherwise controlled by lease from any state department or agency, or that are designated by the governor under section 171-11 for management, by the authority.”
2. § -3(f)(5): The term “leases” should also be included in the chief legal officer and general counsel’s powers since “subleases” are included.
3. § -4(a)(7) and § -4(a)(20) both mention the comprehensive management plan and public access. Section -4(a)(7) should be incorporated into the broader section -4(a)(20).
4. § -4(b)(1): The word “board” should be replaced with “authority.”
5. Pursuant to § -4(d), “The authority shall be prohibited from selling any Mauna Kea lands.” For consistency with this sentence, the following provisions should be changed to delete the word “sale” and other similar wording that could be interpreted to provide for the sale of Mauna Kea lands. *See also section -4(a)(15) (delete “sales” and “other disposition”); section -7 (delete “of sale”); section -11(2) (delete “purchase price or other”); section -12(b) (delete “quitclaim”); section -22(h)(1) (delete “a sale,”); section -27 (delete “or sale”); section -29 (delete “deed”); and section -30(a)(3) (delete in its entirety).*
6. § -9(c): The phrase “original lease rental reopening dates effective before and after July 1, 1996” encompasses all time, past and future, and should be deleted.

7. § -11: The word “patent” should be deleted because the Authority will not be issuing patents.
8. § -12 and § -49: Both sections require a report to the legislature. Section -12 was taken from section 171-29, HRS and has different requirements from section -49. One or the other should be deleted.
9. § -28(2) and (3) references to the Department of Agriculture should be deleted as they are not relevant to Mauna Kea.

We respectfully ask the Committee to consider revisions to this bill.



HB1985 HD1 Proposed SD1

RELATING TO LAND USE

Senate Committee on Higher Education
Senate Committee on Water and Land
Senate Committee on Ways and Means

April 5, 2018

9:30 a.m.

Room 211

The Administration of the Office of Hawaiian Affairs (OHA) will recommend that the Board of Trustees **SUPPORT WITH AMENDMENTS** HB1985 HD1 Proposed SD1, which would establish an alternative management framework for the singularly significant and long-neglected lands, resources, and sites of Maunakea. OHA appreciates this bill's intent, to address decades-long concerns over the inability of the University of Hawai'i (UH) and the Board of Land and Natural Resources (BLNR) to properly steward Maunakea, and to balance natural and cultural resource management and protection with industrial-scale development on the mauna's summit. **OHA further appreciates the proposed draft's consideration and reflection of the concerns and input of our beneficiaries and other stakeholders on the substantially similar SB3090 SD2.** OHA understands that this bill anticipates further discussion involving various stakeholders, including Native Hawaiian practitioners, educators, and other members of the Native Hawaiian community, and encourages the Committees and the Legislature to continue addressing any additional issues that may be raised; OHA offers the following comments to further strengthen the intent and effectiveness of this measure.

As a preliminary matter, OHA re-emphasizes the litany of historical and ongoing failures of UH and BLNR in their management of Maunakea. These include, but are not limited to: the failure to budget and fund proper management of UH's Maunakea lands; the failure to prudently negotiate sublease terms, allowing for gratis or nominal rents for multi-million dollar development projects; the failure to adequately implement a decade-old Comprehensive Management Plan, including 32 of its 54 management actions specifically affecting Native Hawaiians; the failure to meaningfully consult with OHA, Kahu Kū Mauna, and other cultural stakeholders on management policies and rules; the failure to maintain an environment that appropriately respects Maunakea's cultural landscape and singular cultural significance, including through the protection of Native Hawaiian traditional and customary rights and practices; the failure to manage public access and highly inappropriate and/or unsafe activities, which have led to numerous vehicular accidents and fires, deaths and bodily injuries, and spills of highly hazardous waste; and the failure to enforce lease and sublease terms and otherwise manage observatory development and decommissioning. **Insofar as these failings, and others, have persisted for over a generation, including through four state audits and multiple lawsuits spanning two decades, OHA and much of the general public have lost all confidence in the ability of UH to and the BLNR to fulfill their full range of**

responsibilities as lessee, lessor, and trustees of the lands, natural and cultural resources, and cultural sites of Maunakea.

Accordingly, OHA appreciates the intent of HB1985 HD1 Proposed SD1, to address the root cause of Maunakea's mismanagement and misuse through the establishment of the Mauna Kea Management Authority (MKMA), an alternative management authority for the Maunakea lands currently controlled by UH. OHA offers the following comments, noting our appreciation and understanding of various provisions of this bill, and further suggestions for amendments that may help achieve its intended purposes:

1. Ensuring that the composition of the MKMA includes members with relevant backgrounds and expertise necessary for the proper and balanced stewardship of Maunakea.

As the Committees understand, an area of critical importance and concern is the composition of the MKMA, and whether its members will adequately reflect the range of values and beliefs that must be considered in the proper management of Maunakea. As previously noted, the current "managers" of Maunakea have grossly neglected their responsibilities to protect and uphold the ecological, cultural, and spiritual integrity of the mauna, in favor of industrial-scale observatory development on its summit.

Accordingly, OHA appreciates the amendments made to the MKMA's composition, which now requires three of its nine member to have Native Hawaiian cultural expertise, two of whom must have specific cultural or ancestral ties to Maunakea; two additional Native Hawaiian members to have education and business expertise, respectively; one additional member to have expertise in environmental sciences relevant to the highly unique natural resources and ecological attributes of Maunakea; one additional member to have land management expertise; and one additional member to have business expertise; and one member with an expertise in astronomy, who is not currently employed at UH or an astronomy facility. **Notably, five of the nine MKMA members must be Native Hawaiian, or have expertise in Native Hawaiian cultural practices, reflecting the immense significance that Maunakea holds for the Native Hawaiian community; additionally, all members must be residents of Hawai'i island, and will thus have the closest geographic ties to Maunakea and those communities directly impacted by and invested in its proper management and care.** While OHA appreciates certain beneficiary concerns regarding the monetization and potential overexploitation of Maunakea's resources, OHA also believes that the two MKMA members with business expertise – one of whom must be Native Hawaiian – will provide the MKMA with the necessary acumen to fully carry out its fiduciary obligations, and ensure that any revenue generating opportunities are maximized to the extent appropriate, to support and enhance the stewardship and care of Maunakea. **Accordingly, all members of the MKMA will be required to have backgrounds and expertise directly relevant to the proper management and stewardship of Maunakea's lands, resources, and sites;** such requirements will significantly help the MKMA make decisions that are much more fully cognizant of the cultural, environmental, and spiritual significance of Maunakea, and the need to manage Maunakea's lands, resources, and sites accordingly.

OHA additionally appreciates the modified appointment process for the members of the MKMA, wherein the Governor must appoint two of its members from nominee lists submitted by OHA's trustees, and the remaining members from nominee lists submitted by the multi-stakeholder and highly diverse but relevant candidate advisory council. OHA appreciates the inclusion of the Hawai'i island OHA trustee on this council. OHA believes that such a modified process can provide "checks and balances" that ensure a greater level of objectivity in the potentially controversial selection of those tasked with the care of Maunakea.

In contrast, OHA notes that the BLNR, which currently holds title to Maunakea, is required to have only one member out of seven with cultural expertise, and only one member with a conservation background; additionally, only one BLNR member must be from Hawai'i island. **In other words, unlike the MKMA, the BLNR does not require the majority of its membership to reside on the island where Maunakea is located, or to have any background in Native Hawaiian culture, environmental sciences, or land management.**

Similarly, the UH Board of Regents, which currently has direct decisionmaking authority over the Maunakea lands leased by UH, does not have any membership requirements that would be specifically relevant to the appropriate management of Maunakea's lands, resources, and sites.

Not surprisingly, the current decisionmaking bodies with control over Maunakea have consistently rendered decisions that have largely contributed to the historical and ongoing mismanagement of the mountain, and that have failed to recognize the importance of balancing resource management and stewardship with continuous industrial development on its summit.

OHA does reiterate its prior position that OHA's own statutory responsibilities – **which include serving as the principle public agency responsible for assessing and advocating on agency policies impacting Native Hawaiians** – may counsel its inclusion as a member of the MKMA, notwithstanding OHA's current litigation against UH. Notably, OHA's substantive expertise and institutional memory regarding Maunakea may also provide a level of continuity in the transition of management authority to the MKMA.

2. Establishing enforceable, statutory limitations on future telescope development.

OHA is greatly appreciative of the statutory "caps" this measure would place on the number of telescopes and the total development footprint allowed on Maunakea lands, the first time such caps have been established in an enforceable, statutory manner. **As these caps recognize, the overdevelopment of Maunakea for telescope purposes, with little regard of environmental and cultural impacts or the larger management needs of the mauna, constitutes one of the most significant failings of UH and BLNR.** OHA notes that prior "limits" on telescope construction on Mauna Kea have been repeatedly reconsidered by UH to accommodate additional telescope development. **Accordingly, the statutory caps placed on the number and total footprint of development on**

Maunakea – including the footprint of infrastructure improvements and decommissioned telescope structures – would provide a much stronger and legally enforceable assurance that development on Maunakea’s summit will actually be curtailed, absent a future change to the law.

OHA does note that the footprint limitation found in section -33 beginning on page 59, line 14, would set the allowable footprint of all development, including infrastructure and any remaining decommissioned telescope structures, to that footprint existing as of **December 31, 2031**. OHA understands that there are concerns that such a distant date could potentially encourage the construction of extremely large new telescopes (upon the removal of a sufficient number of existing telescopes, pursuant to the aforementioned numerical cap) and other structures, and potentially discourage the removal of decommissioned telescope structures and abandoned infrastructure, in order to maximize the development footprint existing at that time. **While such concerns are somewhat alleviated by the composition and selection of the MKMA, as well as the cap on the number of telescopes, OHA respectfully requests the consideration of a stronger statutory limitation to reduce the likelihood that a footprint cap may inadvertently incentivize greater development.** Accordingly, OHA respectfully re-offers the following language for the Committees’ consideration for proposed section -33, beginning on page 59, line 14, to read as follows:

“§ -33 Footprint; limitations. At no time after July 1, 2018, shall the total combined footprint of all improvements, including buildings, roads, telescopes, decommissioned telescope structures, and all infrastructure, on Mauna Kea lands exceed the total developed footprint of improvements, including buildings, roads, telescopes, and all infrastructure present on Mauna Kea as of July 1, 2018.”

3. Adding and maintaining express provisions and mechanisms to protect and perpetuating Native Hawaiian cultural practices, including the natural resources and environmental integrity essential to such practices.

In addition to the revised composition of the MKMA and concrete “caps” on future development, OHA further appreciates this measure’s inclusion of numerous provisions that directly support the cultural and spiritual integrity of Maunakea, including through the maintenance of Native Hawaiian traditional and customary practices and their underlying resources and sites. These include:

- Rulemaking requirements for natural and cultural resource management, that include mandatory consultation with OHA, to ensure the protection of Native Hawaiian traditional and customary practices;
- Statutory waivers of all entrance fees for Native Hawaiian traditional and customary practitioners;
- Explicit statutory requirement to allow reasonable access by cultural practitioners;

- Establishing a division specifically tasked with working with community members with ancestral, cultural, and environmental ties to Maunakea through research, planning, and stewardship programs;
- Expressly maintaining the applicability of conservation district rules and contested case hearing procedures for land uses on Maunakea;
- Requiring heightened requirements for any telescope leases, which must consider and account for any potential impacts to Native Hawaiian traditional and customary practices, natural and cultural resources, and cultural sites, including the costs of remediating such impacts, and which must also include rent provisions to be based on a percentage of gross receipts from the sale of extremely valuable telescope viewing time;
- Authorizing the development, implementation, and revision of a comprehensive management plan, with annual reporting requirements and clear benchmarks for implementation; and
- Addressing various longstanding concerns regarding unmanaged public access and resulting impacts to Maunakea’s environmental, cultural, and spiritual integrity, including through the establishment of two divisions with kuleana relating to managing access; the provision of actual enforcement authority and procedures; the provision of rulemaking authority to establish conditions on access including visitor fees and a mandatory registration and orientation program for all visitors; restrictions on vehicular access; comprehensive reviews of all access plans, commercial tour permits, fees, and associated impacts, with an additional report that shall contemplate the possible elimination of all commercial tours after January 1, 2020; and others.

OHA strongly believes that these requirements, conditions, and authorities will ensure that the MKMA’s decisions and activities are much more consistent with and appropriate for the highly sacred character of Maunakea, and may represent a critical first step to reversing the decades of cultural and environmental neglect that has and continues to occur under UH’s and the BLNR’s management authority.

4. Clarifying MKMA’s authority regarding alienation and disposition of MKMA lands.

Furthermore, OHA greatly appreciates HB1985 HD1 Proposed SD1’s inclusion of all applicable procedural mechanisms and safeguards found in Chapter 171, that can assure Native Hawaiians, the general public, and the State a level of transparency and accountability in the MKMA’s disposition of Maunakea’s lands. OHA notes that the administration of Maunakea lands, which are “ceded” lands as well as public land trust lands, must be held to a high fiduciary standard, heightened even further by the cultural and environmental significance of Maunakea. Accordingly, the continued applicability of

transparency and accountability safeguards and procedures, currently established in chapter 171, to the MKMA may be integral to guiding the MKMA in its disposition of lands.

In addition, OHA appreciates this measure's inclusion of additional safeguards and requirements that will further protect and ensure the appropriate use of Maunakea's lands specifically. For example, the MKMA's lack of sale or exchange authority, along with the exclusion of Maunakea's lands from the BLNR's jurisdiction, will ensure that no agency has the authority to permanently dispose of or alienate any Maunakea lands covered by this bill. This measure also requires any renegotiated leases, subleases, or other land agreements to include "at a minimum, a stewardship component, community benefits package, and conversion of the applicable facility to a self-contained, zero-discharge waste system," and, as previously mentioned, requires all telescope leases to specifically consider and account for the value of the proposed land use, telescope viewing time, and impacts to natural and cultural resources and associated cultural practices – including the cost of remediating potential impacts to natural and cultural resources and sites. **Such provisions would establish a much higher statutory standard of care for Maunakea's lands, than that provided for under current law.**

5. Ensuring sufficient resources for the fulfillment of the MKMA's responsibilities.

OHA does recognize that the meaningful fulfillment of the MKMA's functions and responsibilities would be a substantial undertaking requiring significant financial and other resources, particularly at the outset of its establishment. **Accordingly, OHA greatly appreciates the proposed draft's contemplation of general fund appropriations, to assist the MKMA with the considerable startup costs it is likely to encounter.**

OHA also appreciates the removal of preamble language found in SB3090 SD2, describing the vision of MKMA as being "self-funded," which had raised concerns regarding the potential for revenue-generating proposals that may monetize and exploit Maunakea's lands and resources in an inappropriate manner. OHA notes and further appreciates the establishment of a revolving fund for the MKMA's administration, capital improvement projects, and other costs associated with carrying out the purposes of the measure, which may help ensure that the MKMA is not forced to monetize Maunakea's resources to an inappropriate extent.

OHA does note that, should this measure pass, UH would likely continue to receive the extremely valuable telescope time and other nonmonetary benefits provided to it under current telescope subleases. OHA further notes that certain functions of the MKMA, such as its review and update of the natural resource management plan, may also be substantially supplemented or executed by existing programs and divisions within the Department of Land and Natural Resources (DLNR), including its Division of Forestry and Wildlife. **Accordingly, insofar as UH and the BLNR have held primary responsibility for the mismanagement and neglect necessitating this measure, would be otherwise relieved from their respective responsibilities to properly manage and care for Maunakea, and would continue to have financial and programmatic resources of great value to Maunakea's management needs, OHA respectfully suggests that the**

Committees consider explicitly requiring BLNR and UH to also provide financial and in-kind support to the MKMA, out of fairness and to better ensure the MKMA's ultimate success. In this regard, OHA recognizes and appreciates the proposed amendments to Chapter 199, Hawai'i Revised Statutes, which would allow officers with the BLNR's Division of Conservation and Resources Enforcement, as well as county police officers, to assist in the enforcement of rules and laws established by the MKMA.

6. Concluding remarks

As a final note, OHA recognizes and appreciates the bold step that this measure seeks to take, to begin to address the mismanagement concerns that have plagued Maunakea for over a generation. **OHA understands that this measure would, for the first time in the history of telescope development on Maunakea, finally and decisively remove UH's and BLNR's authority over the use of these much-neglected lands of immense ecological, cultural, and spiritual significance—placing these lands in the hands of a body specifically tailored to ensure the better, more objective, and more appropriate management of Maunakea.** OHA further understands that this measure would explicitly require and empower the newly-formed MKMA to address additional outstanding issues that have been identified by Native Hawaiian practitioners, environmental interests, researchers, and even astronomy personnel over the decades of UH control over Maunakea, including: meaningful natural and cultural resource protection and management; cultural access and traditional and customary practices; managed access including through vehicular restrictions and mandatory orientation requirements; public safety and health protections; statutory limitations on telescope and infrastructure development on Maunakea's summit; the maintenance of existing land disposition requirements, with heightened standards of care for any future telescope leases and development; and the provision of actual enforcement authorities and procedures necessary to meaningfully manage and protect Maunakea.

In addition to the above recommendations, OHA urges the Committees and the Legislature to continue carefully considering and addressing any additional issues and concerns identified by Native Hawaiian cultural practitioners, 'ohana with ancestral and cultural ties to Maunakea, researchers, educators, and other members of the Native Hawaiian community, in its discussion and deliberation regarding this bill.

Accordingly, OHA urges the Committees to **PASS WITH AMENDMENTS** HB1984 HD1 Proposed SD1. Mahalo nui loa for the opportunity to testify on this measure.

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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April 2, 2018

Senator Kaiali'i Kahele, Chair
Committee on Higher Education
Hawai'i State Capitol, Room 211
Honolulu, HI 96813

Senator Karl Rhoads, Chair
Committee on Water and Land
Hawai'i State Capitol, Room 211
Honolulu, HI 96813

Senator Donovan M. Dela Cruz, Chair
Committee on Ways and Means
Hawai'i State Capitol, Room 211
Honolulu, HI 96813

Dear Chairs Kahele, Rhoads and Dela Cruz, and Committee Members:

**Re: HB 1985, Proposed SD 1 Relating to Land Use (Mauna Kea)
Hearing Date: 04/05/2018 –9:30 am; Conference Room 211**

As much as I appreciate the interest this Legislature has in resolving issues surrounding management of our beautiful and sacred mountain, Mauna Kea, I cannot support HB1985, Proposed SD 1. On the other hand, I also appreciate the foresight it takes to have a legislative vehicle available, in case action is necessary to implement a solution that fulfills the mountain's destiny and the desires of the parties. If that is the goal of this proposed SD 1, I applaud it.

Mauna Kea can be a symbol of international cooperation. The mission of the place is to be a beacon of hope for the world. The vision includes bringing world recognition of the Hawaiians, their achievements as well as the wrongs done to them. The mission of this mountain is not just to showcase that, but to showcase to the world the beauty of the cosmopolitan people of Hawai'i and the possibility of harmony and peace. Where else, but this little place in the ocean, to have countries commit to that?

To a lot of people, Mauna Kea is not a place for science, it is part of their soul. If we are going to enter into that sacred space, we must do so with care and caution and compassion.

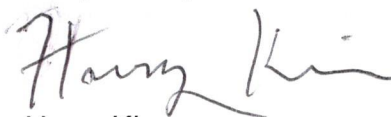
April 2, 2018

Page 2

In truth, the legislature may not be the best forum to resolve the conflicts surrounding Mauna Kea, as much as you would like to help. However, the current management structure is based on statute, and therefore any reform may have to be enshrined in statute. HB 1985, Proposed SD 1, is an attempt to contribute to the mission, but the legislation that can resolve our conflicts may not yet have been written.

I respectfully request that the Legislature tread lightly in its well-meaning efforts, for fear that it may escalate the polarization of the community. My recommendation would be passage of some version of the proposed SD 1, and allow the process to continue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Harry Kim". The signature is fluid and cursive, with the first name "Harry" and the last name "Kim" clearly distinguishable.

Harry Kim

Mayor, County of Hawai'i



MAUNAKEA OBSERVATORIES

To: Senator Donavon Dela Cruz, Chair, Committee on Higher Education
Senator Donna Mercado Kim, Vice Chair, Committee on Higher Education
Senator Karl Rhoads, Chair, Committee on Water and Land
Senator Mike Gabbard, Vice Chair, Committee on Water and Land
Senator Donovan M. Dela Cruz, Chair, Committee on Ways and Means
Senator Gilbert S.C. Keith-Agaran, Vice Chair, Committee on Ways and Means

From: Maunakea Observatories

Subj: Letter Opposing HB1985 HD1 Proposed SD1 Creating a Maunakea Management Authority

Date: 3 April 2018

In conjunction with our written testimony submitted previously regarding SB3090, the undersigned Directors of the Maunakea Observatories continue to express our concerns and **opposition** to HB1985 HD1 Proposed SD1 creating a new Maunakea Management Authority (MMA). We acknowledge and agree with several changes made to this draft legislation since it was originally proposed, which help address some of the concerns expressed earlier about its provisions. We also agree with the bill's introductory statement "...the critical need to manage these sensitive cultural and natural resources in a way that supports both the continuance of traditional and customary practices and science and technology."

One of our largest concerns with this draft legislation is that, like its predecessor SB3090, the net effect of creating the MMA would be to further destabilize the conditions needed for Maunakea astronomy to proceed with confidence. This is crucially important to the federal funding agencies around the globe that, combined, sponsor most of the operations and development costs of the Maunakea observatories. After several years of conflicts, these agencies need to be reassured that Hawaii astronomy will be supported by the State for decades to come. The sweeping changes proposed by HB1985 HD1 Proposed SD1 would not help rebuild international confidence in the State of Hawaii as a host for the world's foremost astronomical research complex. The Maunakea Observatories are in the best position to gauge the risk to our funding this legislation poses and we strongly encourage the State to work with the community and the Maunakea Observatories to identify and pursue a better path forward.

Some of our specific concerns with the current draft of this legislation includes –

One of the Board members would be "An astronomy expert as evidenced by a post college or post-graduate degree in astronomy or astrophysics who is not currently employed at an astronomy facility associated with Mauna Kea or the University of Hawaii Institute for astronomy".

This drastically reduces the pool of qualified people to represent astronomy on the Board and leaves unclear who would qualify as an "expert". We prefer the Maunakea Observatory community be able to recommend several candidates that the Board can select from.

"No more than thirteen telescopes shall be present on Mauna Kea lands at any time; provided that no more than nine telescopes shall be present on Mauna Kea lands by January 1, 2028."

This appears to be predicated on decommissioning requirements incorporated into TMT's CDUP. If TMT does not go forward in Hawaii, telescope decommissioning plans for existing facilities should revert back to those defined in the Comprehensive Management Plan.

"At no time after December 31, 2031, shall the total combined footprint of all improvements, including buildings, roads, telescopes, decommissioned telescope structures, and all infrastructure, on Mauna Kea lands exceed the total developed footprint of improvements, including buildings, roads, telescopes, and all infrastructure present on Mauna Kea as of December 31, 2031."

While we agree with the intent of minimizing the footprints of all observatory related structures on the summit, this complex provision requires further review by the Maunakea Observatories and we cannot support it at this time.

"Fees and surcharges. (a) The authority shall establish an annual fee for each visitor to Mauna Kea..."

Per our previous testimony, we remain concerned that the revenues generated through the proposed fees on the public and commercial tour operators will be inadequate to cover the cost of the MMA.

The statement that "...negative experiences over the past fifty years have eroded public confidence and demonstrated the critical need for fresh leadership centered on a new organizational structure, management system, and procedures."

This statement leads to an overarching concern we have with HB1985 HD1 Proposed SD1. This legislation is predicated on the assertion that the Office of Maunakea Management (OMKM) is fundamentally unfit to continue its execution of the Comprehensive Management Plan (CMP) due to demonstrated mismanagement and/or the perception that OMKM cannot be trusted to manage the Maunakea Science Reserve (MKSr). We are open to improvements and agree changes may be needed, but we believe the current management structure is sound and provides already established mechanisms for making community-driven management and policy improvements through updating the CMP, implementing administrative rules, and negotiating new lease terms. We believe the most effective path to solving issues is via these mechanisms rather than starting over with a new structure that creates disruption, uncertainty and delays, likely at a higher cost.

The Maunakea Observatories interact extensively with the staff and leadership at OMKM and, through those experiences and our representation on the Maunakea Management Board, we have considerable and probably unique visibility into OMKM. Our perspective is that the MKSR is well-managed and we offer a variety of examples below of the work sponsored or led by OMKM to support that conclusion. We are aware of this work through our many years of interactions with OMKM and participation in the Maunakea Management Board, where status reports of various projects and activities OMKM is pursuing are reported on a recurring basis.

Should a new authority be created to provide fresh management for Mauna Kea?

B. No, oppose proposal (592 Votes)

A. Yes, overhaul current management (266 Votes)

C. Undecided; need to hear more (191 Votes)

This is not a scientific poll — results reflect only the opinions of those voting

A recent informal poll conducted by the Honolulu Star Advertiser, gauging the public's confidence in the current management of Maunakea, suggests the majority of the public does not agree that sweeping management changes like those in HB1985 HD1 Proposed SD1 are needed.

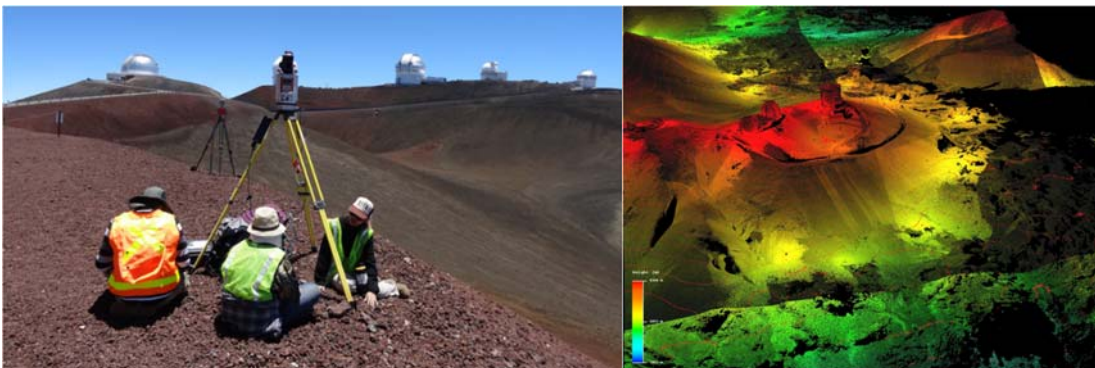
The [CMP](#) and its sub-plans are designed to support numerous community interests in the MKSR, including [cultural](#), [environmental](#), [public access](#), and scientific research (e.g., [astronomy](#)). Central to the protection of cultural resources in the MKSR is the monitoring of hundreds of shrines (kuahu) across the upper regions of the MKSR. The combination of maintaining an up-to-date inventory of the numerous historic and culturally important sites in the MKSR, and the Maunakea Rangers which are present daily (weather permitting), provides rigorous protection of these priceless components of Hawaiian culture. It isn't clear what the proposed MMA would do differently or better to protect these sites, which have been well protected under the CMP and OMKM. This essential work goes relatively unnoticed in part because of its success at preserving culturally sensitive sites – “no news is good news” when it comes to historic site preservation. “No news” also means this important work is probably not widely known.



Kuahu or shrines are cataloged and monitored through OMKM programs to help ensure they are protected for future generations to cherish.

OMKM's summit mapping efforts go far beyond locating shrines and ahu. They include mapping the surface of the summit to extraordinary accuracy using advanced LIDAR and stereoscopic imaging techniques, yielding maps of the surface of Maunakea that are accurate to ± 1 cm. By mapping the summit on a recurring basis with this technology, it is possible to trace surface erosion and develop erosion mitigation strategies, as needed.

Research extends below the surface of Maunakea as well, with extensive studies completed on the [permafrost](#) beneath its surface. Formed millennia ago but discovered only decades ago, this layer of ice has been found to be melting over time, presumably due to global climate change. Today only a small region of permafrost is known to exist in the MKSR, thanks to OMKM's work.

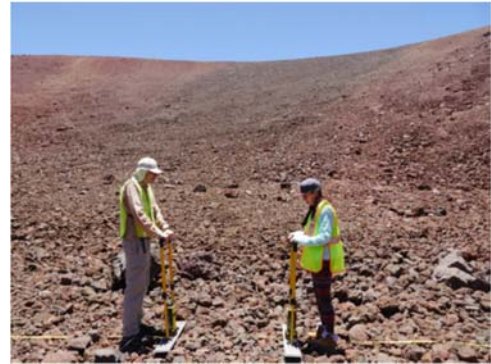


Left – Sophisticated LIDAR equipment that is positioned periodically on the summit to measure the location of cinder across the summit to within ± 1 cm. Right – Using these data 3D maps are rendered that allow the monitoring of erosion across the summit over time. These data critically inform strategies to mitigate summit erosion.

OMKM sponsored research also includes the atmosphere above Maunakea, studying the historic and [future climatology of Maunakea](#). This work was done in collaboration with the University of Hawaii’s Meteorology department, which also operates the [Maunakea Weather Center](#) - sponsored in large part by the Maunakea Observatories. This unique work points toward warming summit conditions later this century, when snow on Maunakea will be rare. Reduced mid-to-high altitude precipitation will affect various forms of life on Maunakea, hence the need to factor these effects into future management plans.

There are numerous other examples of OMKM led or sponsored work, supporting the protection of the MKSR including -

- Forming an [Invasive Species Plan](#) that lays out a rapid response strategy in the event invasive species (e.g., ants) are detected
- Creating the [Maunakea Speaker Series](#) that attracts expertise worldwide to share their research about Maunakea by giving presentations at various venues in Hilo
- Developing and publishing a “Field Guide to Native Plant Species” on Maunakea and mapping the [locations of countless plants](#), some of them at risk, across the MKSR
- Funding basic research about the lifecycle and habitat of the [wekiu bug](#) and various arthropods on Maunakea
- Conducting inspections of trucks bringing equipment or cargo to the summit to ensure they are not bringing up invasive species
- Sponsoring research into the nocturnal habits of birds and bats around Maunakea using sophisticated acoustic and radar equipment
- Establishing new signage to better educate the public about the summit
- Supporting an impressive Ranger program that protects and educates numerous people visiting Maunakea each year
- Supporting weed pulls around Halepohaku and planting keiki māmane and ‘āhinahina (silversword) in the lower MKSR, removing in the process tons of weeds with the help of thousands of hours of community volunteers



Non-intrusive ground penetrating radar used to map subsurface permafrost, which is melting, presumably due to global climate change.



OMKM organized weed pulls and keiki plantings around Halepohaku have drawn hundreds from across the Hawaii Island community.

- Receiving numerous awards from the community including most recently a prestigious award from the Historic Hawaii Foundation for OMKM's [Property Monitoring Program](#)

The Maunakea Observatories appreciate the many nuances and perspectives about the future of Maunakea and how important this issue is to our community. Any organization, including OMKM, can and should seek to improve as it fulfills its mission. We seek a balanced approach that honors the many interests in Maunakea's future, based upon community-based management in partnership with the Observatories at many levels. That said, it is hard to reconcile our observations and experiences with OMKM with the basic premise behind HB1985 HD1 Proposed SD1, that OMKM's management of the MKSR is so flawed that it needs to be wholly replaced. The proposed MMA would in many cases (e.g., historic site preservation), at best, match OMKM's performance record. We prefer working together with stakeholders, community and State officials to put our collective energy into identifying areas of improvement and then addressing them through the CMP and its sub-plans, administrative rules, and the eventual new terms and conditions negotiated for the Maunakea Observatory sites on the summit. This approach builds off the numerous investments made in OMKM to date, not just by UH, but by our community through thousands of volunteer hours. There is plenty of latitude and opportunity for improvement with the management systems in place, and we advocate a common-sense approach to sustaining a bright future for Maunakea for generations to come by building off OMKM's solid foundation in land management.

Mahalo,



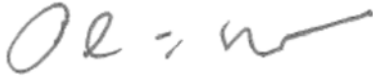
Director Doug Simons, Canada-France-Hawaii Telescope



Director Laura Ferrarese, Gemini International Observatory



Director Pierre Martin, Hoku Kea Observatory



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



Director Walter Braken, Long Baseline Observatory



Director John Rayner, NASA Infrared Telescope Facility



Director Michitoshi Yoshida, Subaru Telescope



Director Klaus Hodapp, UKIRT



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

HB-1985-HD-1

Submitted on: 4/3/2018 1:47:44 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa L. Nakama	Testifying for BIFA	Oppose	No

Comments:

Honorable Representatives of the people of Hawaii Nei, we the protectors of Mauna A'Wakea are not the problem, I stand to say - We stand, we rise to protect our Sacred mauna from the devastation of any more telescope on our Sacred PIKO! This proposed bill HB1985 HD1 is a copy cat of SB3090--a revised version to fit the money driven focus to a new management idea, which is suppose to fix the problem, but once again we have a wolf in sheep clothing in the herd of sheeps. In the timeline of approximately 50 years since the inception of building on our sacred piko, UH-HILO, DLNR, BLNR, OMKM and others have destroyed the aina on our Sacred mauna and any new management can't adhereto the several audits of miss management, for the simple fact that it will be money driven by greed. This new proposal of a new management will not fix what is broken nor will it fix all the wrongs that have been done over the many years of building on our Sacred Piko. I stand with the protectors of our Sacred Mauna A'Wakea with one simple solution, end the master lease, remove all telescope at the top of our Sacred PIKO and restore our PIKO to its original aina. Once all telescope have been removed as stated by HRS 171....after the end of the lease, the aina must and shall be restored. This is a solution to the many years of UH-HILO not resolving any of the conditions of said audits through these many years of holding the master lease and destroying what was once pristine on conservation zone district at the Piko of our Sacred Mauna A'Wakea.

Respectfully Yours,

Teresa L. Nakama

Director of BIFA

HB-1985-HD-1

Submitted on: 4/4/2018 9:30:38 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Ward	Testifying for Sierra Club chair, Moku Loa (Hawaii Island) Group	Oppose	No

Comments:

Aloha e Lawmakers,

This bill has been changed several times, each with errors in concept and in fact. For this reason the Sierra Club, Moku Loa Group, finds that it is premature to consider a management change of this magnitude on short notice without full public discussion.

Item 4 refers to rulemaking authority. This item offers a rule-making ability without public or any other kind of oversight. For a public Authority to be able to operate without any public oversight may result in results that will be detrimental to the public's interest.

Please note that item 5.2.e.8 refers to a president of Sierra Club Hawaii Island chapter or designee. In the case of Sierra Club the correct wording would be chair of the Group (not president of the chapter).

Our group is concerned about the transfer of property (public trust lands) auction, condemnation and/or the leasing of lands without independent assessment of fair market value. This requires further discussion and examination before consideration of passage. Public trust lands are held in perpetuity for the benefit of Native Hawaiians and the general public, they are not state lands to be disposed of.

A contested case provision would offer the beneficiaries of the public trust an opportunity to provide further information. This must be included.

Due to the very limited time available for comment we could not go into depth here, and we request that you oppose the passage of this bill.

Thanks you, Deborah Ward, Chair, Sierra Club Moku Loa Group



HAWAII REGIONAL COUNCIL OF CARPENTERS

April 2, 2018

Committees on Higher Education, Water Land, Ways And Means
Senator Kai Kahele, Chair of Higher Education
Senator Karl Rhoads, Chair of Water Land
Senator Donovan Dela Cruz, Chair of Ways And Means

Dear Chairs Kahele, Rhoads, Dela Cruz and members of the Committees:

The Hawaii Regional Council of Carpenters, representing nearly 7,000 members across the state, supports the intent of **HB 1985** which establishes the Mauna Kea Management Authority.

The Thirty-Meter-Telescope (TMT) project has spurred meaningful discussions as to how Mauna Kea should be managed into the future. The future stewardship and management of Mauna Kea remains matter that needs to be resolved and we appreciate the willingness of the committee to have this discussion.

Thank you.

STATE HEADQUARTERS & BUSINESS OFFICES

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KAUAI OFFICE: Kuhio Medical Ctr. Bldg., 3-3295 Kuhio Hwy., Suite 201, Lihue, Kauai 96766-1040 • Ph. (808) 245-8511 Fax (808) 245-8911



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www.lwv-hawaii.com | 808.531.7448 | voters@lwv-hawaii.com

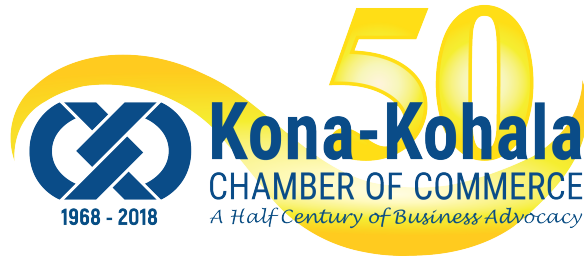
SENATE COMMITTEE ON HIGHER EDUCATION
SENATE COMMITTEE ON WATER AND LAND
SENATE COMMITTEE ON WAYS AND MEANS
Thursday, April 5, 2018, 9:30 AM, Conference Room 211
House Bill 1985 Proposed SD 1, Relating to Land Use

TESTIMONY

Chair Kahele, Chair Rhoads, Chair Dela Cruz and Committee Members:

If the Senate passes HB 1985, Proposed SD 1, the subject of the Proposed SD 1 will not have had 3 readings or a public hearing in the State House. Under Article III, Section 15 of the Hawaii Constitution, the Legislature is not authorized to enact a bill whose subject has not had three separate readings in the State House and three separate readings in the State Senate.

Thank you for the opportunity to submit testimony.



April 3, 2018

RE: HB1985 HDI RELATING TO LAND USE

Dear Senator Dela Cruz, Senator Keith-Agaran and members of the Senate Committee on Ways and Means,

The Kona-Kohala Chamber of Commerce does not support HB1985 HDI RELATING TO LAND USE that amends Section 173A-7, Hawaii Revised Statutes to require the Board of Land and Natural Resources provide an annual report to the Legislature with information regarding the value, current zoning, leases, and status of lands held by the Department of Land and Natural Resources.

The Kona-Kohala Chamber of Commerce (KKCC) supports the astronomy industry, science, culture and environmental stewardship of Maunakea. The current managers of Maunakea work on strategies that protect, balance, and enhance this cultural, scientific, and natural resource. In addition, our Chamber supports the development of the Thirty Meter Telescope and a new Maunakea State Lease. We caution against making drastic changes to the current management system as proposed in HB1985 SD1. The outcome of these actions could have disastrous effects on the future of astronomy on Maunakea and in the State of Hawai'i.

Celebrating 50 years in 2018, the Kona-Kohala Chamber of Commerce exists to provide leadership and advocacy for a successful business environment in West Hawai'i. Our 501(c)(6) non-profit organization consists of 500 business members that represent a variety of industries and sectors including agriculture and aquaculture, banking and financial services, construction and real estate, education and government, health and wellness, hospitality and tourism, retail and professional services, technology, transportation and more. We work to strengthen the local economy, represent business interest with government and promote our community.

Sincerely,

Wendy J. Laros, M.Ed.
Executive Director, Kona-Kohala Chamber of Commerce

HB-1985-HD-1

Submitted on: 4/2/2018 3:23:02 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Testifying for Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

WE CONTINUE TO STRONGLY SUPPORT THE CREATION OF A NEW MAUNA KEA
MANAGEMENT AGENCY BECAUSE THE STATUS QUO IS UNACCEPTABLE!
MAHALO!

HB-1985-HD-1

Submitted on: 4/2/2018 3:30:17 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Testifying for Ho`omana Pono, LLC	Support	Yes

Comments:

In STRONG SUPPORT OF THIS BILL BECAUSE THE STATUS QUO ON THE MAUNA IS UNEXCEPTABLE.

HB-1985-HD-1

Submitted on: 4/4/2018 9:00:00 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Kaluna	Testifying for Individual, PUEO, UH Hilo	Oppose	No

Comments:

As a Native Hawaiian who was born and raised on the Island of Hawai'i, and is working hard to help increase the level of education in our island community, it is extremely upsetting to hear that this bill is moving forward. The bill itself acknowledges the significant changes that have occurred with the current Maunakea management and stewardship, and these changes have been positive!

The Office of Maunakea Management has worked so hard to achieve the success that they are now an award winning environmental management agency. There are few management authorities that can make that claim.

The bill states that a new authority is needed due to the community having a lack of faith in the ability of the current management to care for Maunakea, but as is evident from the numerous awards givent to OMKM, as well as the bill's own admission, this is an issue of educating the community on the reality and successes of OMKM. This bill is should not be motivated by the lack of knowledge that people may have in terms of the great efforts OMKM has made and continues to make.

HB-1985-HD-1

Submitted on: 4/4/2018 12:52:00 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald S. Fujiyoshi	Testifying for Ohana Ho`opakele	Oppose	No

Comments:

Dear members of the Higher Education Committee, Water and Land Committee, and the Ways and Means Committee:

Ohana Ho`opakele strongly opposes HB 1985 SD1 for the following reasons:

1. Mauna Kea is sacred.

Sacred means it must NOT be exploited for profit. SD1 has a strong emphasis upon the financial benefits that can come from Mauna Kea. This is disrespectful of the sacredness of Mauna Kea.

2. The land at the top of Mauna Kea was deemed "Government Lands" under the Mahele.

It has been proved that the Kingdom of Hawai`i was illegally overthrown. This has been recognized by Public Law 103-150 signed by President Clinton. This has also been recognized by the Permanent Court of Arbitration in The Hague in the case of Larsen v the Kingdom of Hawai`i. Thus, the Executive Orders that supposedly changed the designations of the land atop Mauna Kea are illegal and invalid. The "Government Lands" of Mauna Kea should NOT be developed for Astronomy nor for any other development.

3. The economic benefits from building any telescope atop Mauna Kea will not benefit the majority of the public. Already the cost of living in Hawai`i is higher than found in the states of the USA. Trickle down economics does not benefit the majority. Gandhi said that the economy must be built from the bottom up. Only by doing this will we truly deal with the problems faced by homelessness, poverty faced by native Hawaiians and new immigrant groups, high rent and housing prices, disproportionate number of native Hawaiians in prison, etc. Building the economy from the bottom up means to invest in agriculture to produce more food (rather than importing food), providing affordable housing. We must get away from depending upon tourism, military, and astronomy which benefits disproportionately the rich.

4. Although this bill dangles the economic carrot in front of some native Hawaiians, it does not really deal with the majority of native Hawaiians who are at the bottom. The “host people” must be treated better as a whole.

For these reasons, Ohana Ho`opakele strongly opposes this bill.

Mahalo for the opportunity to testify!

HB-1985-HD-1

Submitted on: 4/4/2018 9:23:45 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	Yes

Comments:

To the Honorable Kaiali'i Kahele, Chair; the Honorable Donna Mercado Kim, Vice-Chair, and Members of the Committee on Higher Education:

To the Honorable Karl Rhoads, Chair; the Honorable Mike Gabbard, Vice-Chair, and Members of the Committee on Water and Land:

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **HB1985 HD1 Proposed SD1** relating to the Mauna Kea Management Authority; Established; Mauna Kea; and an appropriation.

The OCC on Legislative Priorities is in favor of **HB1985 HD1 Proposed SD1** and supports its passage.

HB1985 HD1 Proposed SD1, is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), as it establishes the Mauna Kea Management Authority and membership of the Authority; establishes and specifies duties of the Mauna Kea candidate advisory council; limits the number of telescopes that may be authorized on Mauna Kea; authorizes the renegotiation of leases, subleases, easements, permits, and licenses pertaining to Mauna Kea; requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs; excludes Mauna Kea lands from the definition of "public lands"; provides for free access to Mauna Kea for traditional cultural purposes; establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority; and appropriates funds.

Specifically, Mauna Kea represents DPH Platform principles in four major areas: (1) Economic Development and Reform, (2) Native Hawaiian Culture and Traditions, (3) Technology, and (4) Education.

Regarding **ECONOMIC DEVELOPMENT AND REFORM**, the DPH Platform states that “[a] diversified and healthy economy in Hawai‘i requires a well-educated and healthy citizenry. To encourage existing and new enterprise, we need to develop a combination of tax policies and credits, lending programs, and financial incentives that will attract the business community. The creation of intellectual property and new start-ups should be a part of the curriculum of our business schools. Business training should stress ethical company management that is responsive to customer needs.

State and county governments have a key role to play in setting reasonable standards for industry and trade. As market conditions change, government agencies must adapt and revise regulations to promote “green” sustainable industries that are compatible with preserving the natural and scenic beauty of Hawai‘i. (Platform of DPH, P. 1, Lines 378-47 (2016)).

Regarding **NATIVE HAWAIIAN CULTURE AND TRADITIONS**, the DPH Platform states that "Native Hawaiians are the indigenous people of Hawai‘i and deserve a just relationship with the state and federal governments. We support Native Hawaiian rights to self-determination in the formation of their chosen governmental entity. We support recognition of Native Hawaiians as indigenous people as provided by the U.S. Constitution; such recognition will add to the process of Native Hawaiian self-determination. We also support the international rights of the Native Hawaiian people.

We support the continued engagement and empowerment of the Native Hawaiian community in decisions related to county and state affairs.

We support the growth of Native Hawaiian farming, agricultural and healing practices. We value and wish to foster the preservation of our host culture.

We support Hawaiian-focused schools and courses that provide culturally-based education in order to maximize choices in life and work. We support educational programming and efforts that embody Hawaiian values, language, culture and history as a foundation to prepare students for success in college, career and communities." (Platform of DPH, P. 4, Lines 204-214, 218-222 (2016)).

Regarding **TECHNOLOGY**, the DPH Platform states that "[w]e recognize that the responsible use and development of technology in all its manifestations offers immense potential for our community, government, including institutions of higher education and business sectors. We encourage synergistic research, development, commercialization and educational programs to promote technological proficiency and innovation. In particular we support Science, Technology, Engineering and Math (STEM) initiatives in our public, private and charter schools as these prepare the next

generation to address the needs of our state. We also support programs that facilitate incubator, i.e. start-up, opportunities for new and promising technologies, and encourage the local retention of our intellectual resources. (Platform of DPH, P. 3, Lines 149-156 (2016)).

Regarding **EDUCATION**, the DPH Platform states that "[w]e believe a major role of education is to develop critical and creative thinkers who are knowledgeable about issues and able to evaluate and solve real-world problems. The curriculum also should emphasize cultural learning, the arts, career and trade skills, and physical education so that we may preserve our health and rich cultural history. A variety of learning strategies should be used, including group projects, cooperative learning, discussion, games and technological innovations. (Platform of DPH, P. 6, Lines 310-314 (2016)).

HB1985 HD1 Proposed SD1 establishes the Mauna Kea Management Authority and membership of the Authority; establishes and specifies duties of the Mauna Kea candidate advisory council; limits the number of telescopes that may be authorized on Mauna Kea; authorizes the renegotiation of leases, subleases, easements, permits, and licenses pertaining to Mauna Kea; requires that revenue derived from activities on Mauna Kea be shared with the Office of Hawaiian Affairs; excludes Mauna Kea lands from the definition of "public lands"; provides for free access to Mauna Kea for traditional cultural purposes; establishes police powers and provides for enforcement of laws on land under the jurisdiction of the Mauna Kea Management Authority; and appropriates funds. As such, is the position of the OCC Legislative Priorities Committee to support this measure as Mauna Kea (1) supports Economic Development and Reform, (2) perpetuates Native Hawaiian Culture and Traditions, (3) develops and promotes the advancement of science and Technology, and (4) expands Educational opportunities, all in the best interests of students, youth and the People of the State and Kingdom of Hawaii.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC on Legislative Priorities

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

TESTIMONY IN SUPPORT OF HOUSE BILL 1985 PROPOSED SENATE DRAFT 1

RELATING TO LAND USE

COMMITTEE ON HIGHER EDUCATION

Senator Kaiali'i Kahele, Chair
Senator Donna Mercado Kim, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

State Capitol, Conference Room 211

Thursday, April 5, 2018; 9:30 a.m.

Chairpersons Kahele, Rhoads, and Dela Cruz and Members of the Committees:

First, mahalo nui to Chairman Kahele for his outstanding dedication and commitment to bring about resolution to the mismanagement of Maunakea as evidenced by multiple state audits, the Temple Report by the Order of Kamehameha, and the numerous public hearings on the subject matter. I believed then, as the introducer of the 1997 Resolution requesting the first audit, that the burden of resolve rests with the Board of Regents, the Department of Land and Natural Resources and the Office of Hawaiian Affairs. However, due to the political-economic-cultural conflicts that remain today, creating mistrust and kaumaha, I am compelled to testify in strong support and with overwhelming enthusiasm urge the passage of this legislation. We need to imua kākou, unite our stakeholders, and do what is pono to mālama Mauna O Wakea, the guardian of our home.

This proposed S.D. 1 makes key and necessary changes to many of the concepts in its predecessor, S.B. 3090 S.D. 2. In particular, this bill ensures all Mauna Kea Management Authority (MKMA) board members are residents of Hawai'i County; that five of its nine members must be native Hawaiian; and it removes the MKMA board member compensation component, while allowing them to be reimbursed for travel and necessary expenses.

It also establishes the eleven member Mauna Kea Candidate Advisory Council, composed of various stakeholders with diverse interests relevant to Maunakea, to select at least three potential candidates for nomination and appointment by the Governor. Additionally, it ensures free access to the summit for all of Hawai'i's people.

These changes, a direct result of public input and conversations across the state, are positive and creates an MKMA board we can all get behind. Accordingly, I urge your committees to pass H.B. 1985 Proposed S.D. 1. Mahalo nui loa for the opportunity to testify on this measure.

Sincerely,

Malama Solomon, Ph.D.

HB-1985-HD-1

Submitted on: 4/3/2018 6:35:00 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Walter Ritte	Individual	Support	Yes

Comments:

My name is Walter Ritte, and I am in support of HB1985 Hd1. Mauna Kea has become a symbolic issue of the mistreatment of sacred Hawaiian lands. Judicial solutions are on going, but legislative solutions are also needed as a preventative measure. HB1985 HD1 is a good start in changing, improving and simplifying the authority over lands Hawaiians feel are sacred.

HB-1985-HD-1

Submitted on: 4/2/2018 3:59:13 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chris Stark	Individual	Oppose	No

Comments:

I am writing you today to voice my strong opposition to HB1985 HD1, relating to Mauna Kea Management Authority. Although I am employed by an observatory located on Mauna Kea, I am speaking on behalf of myself, not my employer. This bill is clearly an "under the radar" attempt at pushing through the extremely unpopular SB3090, which was opposed by virtually every organization currently related to Mauna Kea and its management, supporters of TMT and astronomy on Mauna Kea, and notably opponents of TMT and astronomy as well. This bill was brought up against the wishes of everyone involved in the aha. The submitted testimony on this bill was overwhelmingly opposed, and from every side of the issues. Virtually everyone opposed SB3090, and yet it is still being pushed through, now with a different name and number. How is this pono in any way?

The bill proposes a "toss the baby out with the bath water" approach to management of Mauna Kea. The Office of Mauna Kea Management is an award winning team that has brought about important changes as required by the 1998 audit of UH's management of Mauna Kea. Rather than ride the momentum that this high quality team has brought to preserving the unique cultural, environmental, and scientific value of Mauna Kea, and simply remedying areas still in need of improvement, this bill ignores all of the progress made in the last 20 years and proposes that the only workable remedy is to start from scratch. This proposal is a flagrant and outrageous misappropriation of tax dollars meant to placate a small but vocal group of people opposed to development of any kind on Hawaii Island, but even they oppose the legislation. This bill is akin to buying a new car to fix a flat tire.

Beyond the exorbitant expense involved in this proposed legislation, this bill would surely negatively impact the astronomy community, the management of the unique environment that is home to numerous endangered species, as well as the preservation of dozens of square miles of culturally significant historical sites. This bill is at best rushed and poorly thought-out and at worst risks severely destabilizing the already struggling economy on Hawaii Island.

Please do the right thing and work with the existing resources. If improvements are needed to the Office of Mauna Kea Management, simply fix what is not working. This is a ridiculous and unethical waste of taxpayer money, and a complete waste of time.

HB-1985-HD-1

Submitted on: 4/2/2018 4:25:25 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rob Guzman	Individual	Oppose	No

Comments:

I urge you to oppose this bill.

HB-1985-HD-1

Submitted on: 4/2/2018 4:44:52 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Murphy	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/2/2018 6:03:05 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Veronica Ohara	Individual	Oppose	No

Comments:

I strongly oppose HB1985 HD1 because this Bill is clearly not in favor of the State of Hawaii. This bill seeks to disband the existing Office of Mauna Kea Management, this office has been active for 20 years. OMKM has won awards on the smallest of budgets, accolades for preservation of Historic Properties and stewardship of flora and fauna. The proposed Mauna Kea Management Authority has no experience in conservation much less preservation of archaeological properties and area; efforts in these particular areas require expertise and experience. Moreover, this body is to limit the number of telescopes; this is to be done while we await the decision for the BLNR/DLNR for TMT? What about all the support for this particular project? Clearly this Bill 1985 takes a negative position on astronomy on Maunakea, it ignores all that astronomy has contributed not only to Hawaii but the world and mankind. Is Hawaii supposed to turn its back on knowledge and science because Sen. Kahele must pass a bill that not even the opponents of TMT want? In addition, this bill seeks to remove Mauna Kea from "public lands", that's an incredible breach of trust of the concept of malama, taking care of the land, the people. Furthermore, police powers are to be given to a body of authority that has not even yet been formed, because how do we know this body can even function properly? To add insult to injury, this Bill wants OHA to be paid monies from revenue from the Mauna? They can't even manage, it's ridiculous to entrust them with extra money. The leases, subleases have already been covered by the UH BOR Resolution. Finally, giving one group free of charge access to the Mauna, and why should any Hawaiian be more special than another Hawaiian or person for that matter? This bill goes against all of our accomplishments, what Hawaii stands for.

HB-1985-HD-1

Submitted on: 4/2/2018 5:36:11 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Gordon Takaki	Individual	Oppose	No

Comments:

I am continuing to be strongly opposed to this bill.

Although the University of Hawaii was criticized in a 1998 Legislative Auditor Report, the University has made tremendous progress and continues to strive to meet its stewardship responsibilities. The bill's proposed management authority comes with a new set of legal standard. There is concern that astronomy on Maunakea could not survive the transition. Significant time would be required to form a new management authority, hire personnel and establish policies. During the transition period, there would be no management staff on the mountain, the road would not be maintained and no vehicular access would be permitted except for cultural purposes. There would substantially higher operating expenses including a paid board in place of the current volunteers.

The bill reflects policy decisions that are contrary to the Hawaii Island vision and input have been ignored. Instead the Legislative committee has been taking the bill to other islands. Many Hawaii Island community members are opposed to this bill and have submitted written testimonies to that affect, however, the Chair of the Higher Education Committee continues to over-recognize OHA's white paper testimony and not the numerous written testimonies.

I ask that the committee recognize the feelings of the Hawaii Island Community members and defeat this bill.

HB-1985-HD-1

Submitted on: 4/2/2018 6:51:11 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/2/2018 8:52:46 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sean P Mahoney	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/2/2018 9:14:32 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Theodora Akau Gaspar	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/3/2018 7:17:57 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Corine Chang	Individual	Oppose	No

Comments:

4/3/2018

Aloha to all Hawaii State Legislators

My name is Corine M Chang, I live am a Maoli Kanaka, born and raised on Moku o Keawe.

I am opposed to HB 1985 HD1.

I am opposed to anything being built on Mauna a Wakea as I do believe it is the most sacred place in Hawaii Nei.

I want all the telescopes removed asap.

The State of Hawaii, is not a real State in my humble opinion. Hawaii is still The Kingdom of Hawaii as it is still under Unlawful Occupation and the Government that has been keeping Kanaka Maoli under political oppression is committing a grave injustice against an entire race of people and Peaceful Nation called The Kingdom of Hawaii.

Maoli Kanaka have a responsibility to Papahanaumoku, Mother Earth. We are "Protectors aka Kia'i." What's going on on our Mauna is not right, not PONO. Our Fresh water is in/under that Mauna, we have our kupuna ashes and iwi every where. I can't begin to tell you just how much there is to protect, the area is the most sacred for so many reasons. If Pohakuloa isn't enough damage already, (sinful) hewa loa already. It is 5x the area of Kahoolawe!

I am against a new lease too, why do you legislators talk like there's automatically going to be another lease? Mauna a Wakea does not belong to the fake state. Do not forget that. This land can never be bought or sold, it is alodial lands that is held in perpetuity for the "beneficiaries of the trust!"

I believe our trust may be better managed by private entities, Attorney's and CPA's, the State of Hawaii has FAILED the people time and time again. OHA needs to go, there are too many crooks when millions of dollars are missing.

I do have respect for senator Kai Kahele, thank you for your line of questioning, asking hard questions and getting some answers. I just don't trust that many other's will do

what you intend or expect, the rest of the people have to be sincere as well, and I truly don't think a lot of them are. I won't mention names, but hopefully in the future things get better and goodness rules in the end.

I Oppose HB 1985 HD1

Mahalo, Coring M Chang
Mountain View, Hawaii 96771
(808) 968-7192

HB-1985-HD-1

Submitted on: 4/3/2018 8:57:04 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
syd kraul	Individual	Oppose	No

Comments:

This is a horrible example of sleazy politics by Sen Kahele. It smears the names of the legislators who signed the original bill, making it seem that they support the gut and replacement. The new wording, a copy of SB3090 is offensive to all of us: taking our public lands and giving them to some committee so they can charge us to use our own land. Please reject this bill, or restore the original wording, removing all wording regarding Mauna Kea management.

Syd Kraul

Kalaoa, Hawaii

HB-1985-HD-1

Submitted on: 4/3/2018 2:19:32 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Glen Kagamida	Individual	Support	No

Comments:

I am writing in SUPPORT!

Mahalo!

HB-1985-HD-1

Submitted on: 4/3/2018 10:39:10 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Reyes	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/3/2018 11:04:52 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments	No

Comments:

I will be at this hearing and may possibly speak depending on the comments and direction of this zombie bill on Thursday. There are parts of the bill SB3090 that I could support. WHAT I can not support is the duplicity and push to put something through in the way that this bill has gone. This is my first year really being actively involved in looking at bills and I must say, much of what I have learned about legislative behavior and procedures makes me question every one of the representatives and the system. What will happen with this bill and Mauna Kea?

I support NO, NO Telescopes added to Mauna Kea. Two stories into the Mauna's ground is desecration and WRONG. There is NO way to put it back together. I realize that many of you see \$\$\$ signs from the TMT, I only see pain, hurt and more years of doing the wrong thing due to those \$\$\$\$. What is 90 million dollars really? What are a few science experiments and robotics for the overall future of a people? Who will benefit from the \$\$ that come in? Someone different than those already? The Japanese, Indian, Canadian Governments? Gordon and Betty Moore? Mr. KTA or Mr. Shipman? So someone will be able to go back into the universe and learn.. do we need to destroy a Mauna, a people to do that? I support management of the Mauna which controls the number of tourists and promotes the correct use. I DO NOT support a Polynesian Cultural Center Type attraction at the Visitors' center and Mayor Kim is misguided to think it would be a good idea.

Does history not mean anything to all of you? What happens when a place is no longer habitable? Who are the people who can escape whatever comes? IT's the people with \$\$\$ not the average person. What exactly has the \$\$\$ promised done to help with the real issues of poverty and housing on our islands?

How have the Feds.? the State? OHA really protected the Mauna of our islands or its' people?

As you read this or your staff member reads it to you, or maybe you won't read it all.. know that this Aloha Aina European Settler will be there on Thursday. It is impossible to support or oppose this bill but trust me I am quite aware of the potential of zombies and will continue to be maka'ala and also stand with everyone who is protecting our Mauna.

HB-1985-HD-1

Submitted on: 4/3/2018 11:08:25 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brexson Kamano	Individual	Oppose	No

Comments:

Aloha mai,

I am opposed to HB1985 as it mimics the same language as SB3090. One of the many issues I see are the titles regarding the board members. You can have titles such as Native Hawaiian, but that title says nothing about morality of that individual. You can be Native Hawaiian and be for the continued destruction of Mauna Awakea. In efforts of the change to make the bill sound in favor of Native Hawaiians and the betterment of our Mauna. The board reports to the Governor who eventually has the last say. Our current Governor is pro TMT and thats where this bill leads us too. This bill needs clear context and precise policies, in which is does not. The semantics of this bill are vague and could allow for continued destruction of the Mauna. This is a bill that sounds good for the people, but the semantics speak otherwise. I, Brexson Kamanā do not support this bill.

Mahalo nui for taking the time to read my testimony.

Brexson Hau'olilanikameakā'a'emamuaokonamaukā'puna Kamanā

HB-1985-HD-1

Submitted on: 4/3/2018 11:17:04 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ross Wilson Jr.	Individual	Oppose	No

Comments:

The award-winning Office of Mauna Kea Management together with the Hawaii Island based Mauna Kea Management Board and cultural advisory group Kahu Ku Mauna is doing a good job of managing both cultural and natural resources on Mauna Kea. Significant progress has been made over the last 17 years. It makes no sense to throw all of that away and start over.

The Office of Mauna Kea Management should be a model for other state agencies.

I'm deathly afraid that one of the unintended consequences of this bill will be the demise of astronomy on Mauna Kea and in Hawaii. Astronomy is a state initiative started by the Hilo community and Governor John A. Burns in the 1960s. Today, it is one of the shining stars of Hawaii's high tech industry.

The community, both those in favor of astronomy and those in opposition to astronomy have testified that they are not in favor of this bill and yet this bill continues to move forward. It's time to listen to the community and shelve this bill.

HB-1985-HD-1

Submitted on: 4/3/2018 12:23:19 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melvin Mcaulton	Individual	Oppose	No

Comments:

I Find that this Bill is nothing more than a ethical violation of deceit by the Senate committee.

to ratify a Bill that is being resurfaced from SB3090 SD1. The only reason i can see that you have reconstructed or formatted or even amended that Bill, is none of you wanted be involved with the FBI investigation of OHA.

That, does not change it. You were warned in the past about it, by me. And, again you warned not to pass this Bill, it will definitely incite you and your members as a party of interest. I don't need to be there just to watch from a distance. Mel Wildman.

HB-1985-HD-1

Submitted on: 4/3/2018 12:03:25 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Miyahira	Individual	Oppose	No

Comments:

Stakeholders have already said that they prefer to work within the existing structure and processes.

To: (HRE) Senator Kaiiali'i Kahele, Senator Donna Mercado Kim, (WTL) Senator Karl Rhoads, Senator Mike Gabbard, (WAM) Senator Donovan M. Dela Cruz, Senator Gilbert S.C. Keith-Agaran

From: Christoph Baranec of Hilo, Hawai'i

Tuesday, 3 April 2018

I oppose measure HB1985 SD1.

I am a faculty engineer/astronomer at the Hilo branch of UH Manoa's Institute for Astronomy. I live and work in Hilo. I develop new technologies for astronomical telescopes, teach classes in engineering and research skills at both UH Hilo and UH Manoa, engage in outreach, mentor local students in high-tech skills and volunteer in my community.

I oppose measure HB1985 SD1. This is clearly a rip-off of SB3090 which has nearly universal opposition from across the political spectrum in Hawaii, but is being pushed through by legislators that think they know better than their constituents. Instead, the legislature should work through a community consensus before making rash decisions that will lead to many unintended negative consequences. For example, I would encourage you all to read the EnVision Maunakea report, available at <http://www.envisionmaunakea.org/hui-hoolohe/hui-hoolohe-report/> as an example of how to start this process.

Also, the legislature's claim that "there is a clear need for one entity to serve as a single focal point of management, responsibility, communication and enforcement regarding Mauna Kea," dismisses the fact that a) a single organization can rarely ever "do it all", and b) that we have existing organizations that currently manage the mountain: DLNR and the Office of Maunakea Management (OMKM), among others, but are only hampered because of the lack of funding and leadership from the executive and legislative branches of government. Specifically I appeal to you Representatives (and Senators), to equip OMKM with the authority and resources necessary to pass new Administrative Rules and let it fulfill its mission instead of pushing forward this bill.

In summary, I oppose measure HB1985 SD1.

Mahalo no kou manawa,

Christoph Baranec

HB-1985-HD-1

Submitted on: 4/3/2018 1:00:35 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Oppose	No

Comments:

Strongly Oppose!

This might have been a good bill at one time UNTIL IT WAS GUTTED & REPLACED with sneakily added Mauna Kea Management Language.

Can't begin to tell you folks how upset it makes voters when this last minute bait & switch stuff happens. Many more people are watching what really happens at the legislature these days and they are not happy about what they are discovering.

HB-1985-HD-1

Submitted on: 4/3/2018 1:25:13 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Claud Sutcliffe	Individual	Oppose	No

Comments:

I am strongly opposed to this attempt to get SB3590 passed even though it has already been killed in the House, for very good reasons, e.g., overwhelming opposition in testimony.

Claud Sutcliffe, Ph.D.

HB-1985-HD-1

Submitted on: 4/3/2018 2:16:27 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beverly Maragos	Individual	Oppose	No

Comments:

Aloha Senators,

I am against HB 1985.

HB1985 could effectively kill astronomy on Hawai'i Island, the best site in the northern hemisphere and arguably the best in the world, with an overall annual economic impact of \$167 million in 2012, \$91 million in Hawai'i County, more than 1,000 jobs statewide and billions of dollars injected into the local economy since the late 1960s.

To lose astronomy would mean losing the educational and workforce experience provided observatories found no where else in the world.

Please kill this bill and let's work together to save astronomy and balance science and culture on Maunakea. Think of the future of our children and their children. What we do now affects the future survival and opportunities of the future generations.

Mahalo for your consideration,

Beverly M.

HB-1985-HD-1

Submitted on: 4/3/2018 2:32:55 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Egel	Individual	Oppose	No

Comments:

Do not insist on both ruining astronomy and disrespecting Maunakea.

HB-1985-HD-1

Submitted on: 4/3/2018 3:58:43 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stephen Ueda	Individual	Oppose	No

Comments:

HB-1985-HD-1

Submitted on: 4/3/2018 4:17:59 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mailani Neal	Individual	Oppose	No

Comments:

This bill will wrongly and unconstitutionally deny the people of their rights to Maunakea. Along with that, the negative impacts that passing this bill will have are going to cause irreparable damage.

HB-1985-HD-1

Submitted on: 4/3/2018 4:28:21 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Adamson	Individual	Oppose	No

Comments:

I'm sorry but even if what is now proposed in this bill was the right thing to do (and I feel there's been plenty of indication that there's very little support for it), pasting the failed language into an unrelated, vaguely titled bill seems to me to be an unseemly attempt to circumvent public opposition. You do not set up Maunakea for a successful future via such an underhanded manoeuvre. I work for an observatory on Maunakea, and I can confirm that the OMKM does rather a good job of policing the land.

HB-1985-HD-1

Submitted on: 4/3/2018 5:18:20 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vaughn Cook	Individual	Oppose	No

Comments:

IF IT AIN'T BROKEN, DON'T "FIX" IT!

I strongly oppose HB1985. The Office of Mauna Kea Management has done an admirable job managing access to Mauna Kea, protecting the environment and the many other duties that are involved in managing a precious resource in a fair and equitable manner, taking into consideration the different interests of the various parties. While I understand that there was concern about the stewardship by UH in the past, my experience with OMKM has been nothing but positive.

I am a fourth generation Big Island native. My great grandparents, grandparents and parents saw our community and home as it changed through the years from the Kingdom of Hawaii, to the Republic of Hawaii, to the Territory of Hawaii, and, finally, to the State of Hawaii. Born and raised in Hilo, a graduate of our fine public high schools (Waiakea High School) and a parent of a current Waiakea student (with 2 others close behind), I understand the importance of education in STEM. Astronomy on Mauna Kea has added so much to our community and children with educational opportunities and a culture of curiosity and discovery. From the direct scientific discoveries that inspire our youth to the many educational opportunities afforded by various programs to which the astronomy community regularly contributes, the development of astronomy on Mauna Kea has been a net positive for OUR community. Since my involvement with and support for astronomy on Mauna Kea in the mid-2000's to the present, OMKM has been an excellent steward of the mountain.

Now is NOT the time to scrap OMKM and start from scratch. Why get rid of an organization that is working because there were problems in the distant past. I strongly recommend MOVING FORWARD with OMKM and supporting a clean industry that will prepare our children with the skills they DESPERATELY NEED to succeed in the modern world.

Please defer this bill indefinitely. It is not needed. OMKM is "not broke" and does not need to be "fixed."

Thank you.

Vaughn Cook

HB-1985-HD-1

Submitted on: 4/3/2018 5:24:01 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roberta Chu	Individual	Oppose	No

Comments:

I OPPOSED to this bill. Contrary to what the bill implies, the University through the Office of Maunakea Management together with its community advisory bodies established good land management practices on Maunakea. The bill fails to recognize the OMKM's and the community's successful efforts.

The bill, instead of being constructive is destructive. Better use of time, energy and money could be used to shore up areas that need to be beefed up and build on the successes made by the community.

The award winning Office of Maunakea Management is doing an excellent job of managing the mountain. OMKM may not be perfect, but given the circumstances and limitations it faces as a government entity, OMKM serves as a model for other state agencies.

HB1985 could effectively kill astronomy on Hawai'i Island, the best site in the northern hemisphere and arguably the best in the world, with an overall annual economic impact of \$167 million in 2012, \$91 million in Hawai'i County, more than 1,000 jobs statewide and billions of dollars injected into the local economy since the late 1960s.

To lose astronomy would mean losing the educational and workforce experience provided observatories found no where else in the world.

The bill does not allow Management Authority members to have ties to Maunakea except for one member knowledgeable about astronomy but is not employed in astronomy. Stakeholders are not represented, but yet they are the ones paying the rent. This is akin to taxation without representation.

The bill allows the Mauna Kea Management Authority whose members will have no ties to Maunakea and astronomy will be making decisions about management subleases without representation by any of the stakeholders. In addition, they will retain all rights to the land.

Waives all building requirements, ability to issue quitclaim deeds without consideration.

The bill grants this management considerable authority without oversight or external

controls.

This bill is poorly conceived and constructed and is impossible to implement. It slaps together different sections of State law applicable to various state agencies and given to this authority without thought to how the authority could possibly carryout its duties. If state agencies have difficulties implementing their respective duties and responsibilities and with more resources, including staffing and funding, it is inconceivable how this authority would be able to carryout the responsibilities of this bill. This bill is doomed to fail from the get-go and in the meantime, astronomy could easily be destroyed.

HB-1985-HD-1

Submitted on: 4/3/2018 5:28:07 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Kassis	Individual	Oppose	No

Comments:

Save astronomy on Mauna Kea for our keiki. Kill HB 1985.

HB-1985-HD-1

Submitted on: 4/3/2018 6:12:40 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dee Green	Individual	Oppose	No

Comments:

This bill is extremely misleading. It is an effort to undermine due process for Native Hawaiians fighting for land rights and access to their sacred sites. With pending litigation still in the court system over the management of Mauna Kea and the building of the TMT telescope, this bill is an outright and blatant attack on those safeguards put in place to protect Kanaka Maoli rights and the future of Mauna Kea's fragile ecosystem. Giving money to OHA is an effort to appease and draw attention away from the real facts of the matter. While this bill looks as if it will limit the number of telescopes allowed on Mauna Kea, it doesn't limit where or how big telescopes can be, and would still allow for the building of the Thirty Meter Telescope and potentially other industrial developments that will harm the area and have an impact on the fragile ecosystem including the aquifers. Please oppose this bill and any future reincarnation of it. Respecting the people and the process should be your highest priority. This bill is a wolf in sheep's clothing that needs to be opposed.

HB-1985-HD-1

Submitted on: 4/3/2018 8:58:57 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Natalie Santiago	Individual	Oppose	Yes

Comments:

I oppose this zombie bill! Keep sacred space sacred! Malama pono

HB-1985-HD-1

Submitted on: 4/3/2018 7:24:57 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary	Individual	Oppose	No

Comments:

I have the highest respect for the Senators that are backing this measure but I respectfully disagree that this is the appropriate approach at this time. I have been involved on the sidelines for over 10 years. From the creation of the CMP and then OMKM. Please give OMKM the tools to do their job. Please remember they have to operate within the confines of state law. That ship does not turn terribly fast. Please get to know the work of OMKM and understand the politics that cause the delays not the staff at OMKM. Please hold this bill. Thankyou for all you do for our state. Mary Begier

HB-1985-HD-1

Submitted on: 4/3/2018 9:26:45 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Hoenig	Individual	Oppose	No

Comments:

Dear members of the Ways and Means Committee:

I am writing to you about HB1985 HD1, which has apparently been recently rewritten to contain a large portion of the previously stalled SD 3090. This bait-and-switch tactic seems dishonest to say the least, and I must ask you to oppose this bill.

Establishing the Mauna Kea Management Authority, an entirely new bureaucratic entity for managing MK is like trying to crack a nut with a sledgehammer, and the effort and money that would be wasted on such a maneuver would be far better invested in improving the current management structure. Although the university - more specifically its Office of Mauna Kea Management - has encountered setbacks, it is doing a very difficult job, and doing it well. Together with its community advisory bodies it has established good land management practices on Maunakea. Placing the management of the mountain under a new authority won't just magically help solve any outstanding issues. Instead, it will cause more uncertainty and doubt in the astronomy community, the island's business community, and in the general population. To lose astronomy on the Big Island would mean losing all the educational and workforce experience provided by observatories that are found nowhere else in this world. Reading through the new requirements for the Board's makeup (which to me seem heavily biased against development and science) makes it clear that these fears are not unfounded. For example, one member is required to be an expert in astronomy, yet they are not allowed to be employed in a field related to astronomy! I am sure you can see how this would result in decision-making without the representation by any stakeholder, or member of the general community. It would also result in an entity that is granted considerable authority without oversight or external control.

This "trojan horse" bill is poorly conceived, and impossible to implement. It will only create more bureaucracy, as well as more uncertainty and resentment. I must ask you once again to oppose this bill. Thank you very much for your time.

Aloha,

Michael Hoenig
Hilo, HI

HRE Testimony

Subject: FW: HB1935

Begin forwarded message:

From: Madonna <Madonna@TheGalvanicGift.com>
Date: April 3, 2018 at 22:15:57 HST
To: Kaiali'i Kahele <senkkahele@capitol.hawaii.gov>
Subject: HB1935

I, Madonna Dizon, strongly support HB1985. The most sacred Maunakea and the people of Hawaii would greatly benefit from the passage of HB1985. Transfer of the kuleana of stewardship from the current negligent leadership to the one proposed in HB1985 is a solution that can only positively impact what is broken now and has been broken for over 50 years.

It is plain common sense to have the kuleana of stewardship reside in the residents of Hawaii Island where they can convene everyday from 9 to 5 and get things done. When you are vested in the land and the people you embrace the kuleana of the mālama of Maunakea creating win-win situations for everyone involved.

The proposed composition of the management team is an excellent one. The ones with the expertise would be directly involved in setting policy and procedure. The new management team would have the trust and support of the people.

Respectfully submitted,

Madonna Dizon
9 Mile Marker Beachboy Ranch
Ho'olehuaMokuOMolokai
KeAupuniHawaiian

Sent from my Verizon, Samsung Galaxy smartphone

HB-1985-HD-1

Submitted on: 4/3/2018 10:43:25 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kilia Purdy-Avelino	Individual	Support	No

Comments:

Aloha,

My name is Kilia Purdy-Avelino from Molokai. I am a 4th generation homesteader here. My great-grandmother, Kalei Lindsey and great-grandfather, Harry Kanekawaiola Purdy Sr., moved here from Waimea in the early 1920s and became one of the pioneer homestead families.

As 'ohana whose roots are from Mana, Waimea, we have special ties to Mauna Kea. Like many families of this area, our family practiced ceremonial traditions such as the placing of a baby's piko (umbilical cord) at the summit near Lake Waiau. This past December, my daughters accompanied my nephew to Lake Waiau to carry on this family tradition, prepared with protocol and reverence.

On our drive up to the summit, we witnessed the beauty of Poliahu welcoming us - and I say this because we had planned to go 2 days prior but the roads were closed due to snowy conditions - but this day, the day after baby was born, was clear, with Poliahu's kapa (blanket) covering this massive body. But, what was disheartening to me, besides that of the telescopes, which was obviously not appropriate, was the hundreds of local trucks I witnessed taking snow, filling up the back of their trucks, with no understanding of the sacredness of this place. That was heartbreaking to me.

With this bill, I see a need of proper management of this place, with Native Hawaiians represented, who will also educate more of our Native Hawaiian people.

Also, as I have mentioned, I am a 4th generation Hawaiian Homesteader. It is my understanding that DHHL has property that is being used for current activity and yet, DHHL does not receive any portion of revenue in the current deal. This NEEDS to also change! It is to my understanding that the proposed Advisory Council to manage Mauna Kea will include a DHHL represented seat. I support this as well.

Though I have lived in Ho'olehua, Molokai most of my life, our genealogy carries on through family names - we have Lilinoes, Poliahus, my youngest daughter, Waiau, and now Hualilei, who is named for the glistening snow that day when we visited Mauna a Wakea.

Please pass this bill for our future generation!

Me ka ha'aha'a,

Kilia Waiomina Ilona Purdy-Avelino

HB-1985-HD-1

Submitted on: 4/3/2018 11:46:57 PM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne H Verburgt	Individual	Oppose	No

Comments:

I am strongly opposed to HB 1985. This bill does not serve the best interests of the people of Hawaii, Mauna Kea and Hawaii's world class astronomy community. We do not need a Mauna Kea Mana Management Authority . Extra resources should be allocated to the OMKM that has existing knowledge and experience.

This proposed bill grants the proposed management considerable authority without oversight or external controls. This bill is poorly conceived and impossible to implement. This bill will not represent the local or astronomy community.

I strongly urge you to reject this bill.

Sincerely,

Yvonne Verburgt

Hilo, Hawaii

HB-1985-HD-1

Submitted on: 4/4/2018 5:06:48 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Ha	Individual	Support	Yes

Comments:

Aloha Chairs and members.

Re: Maunakea. HB1985, SD1. Support.

I am writing this as an individual who has been closely involved in the TMT issue for more than 10 years. I also happen to be a PUEO board member. PUEO was the only native Hawaiian entity that participated in the TMT contested case hearing in support of the TMT.

I was one of the three original TMT committee members of the Hawaii Island Economic Development Board (HIEDB) ten years or so ago.

To me the problem stems from an inadequate accommodation of the Hawaiian culture. The observatories are like little temples. Where is the Hawaiian temple?

The problem is showing itself when the Mauna Kea Support Services is expected to perform its mission on an inadequate amount of land. Since, the Saddle Road was redone, there are more and more people going to the summit. There are 300 or so visitors every evening. Star gazing has been curtailed due to safety reasons. Sales of souvenirs exceed \$1 million annually. Something has to give.

It does not matter which entity, UH or a new Management Authority, takes over. What matters is control of the land on which a cultural center above the clouds can go. Right now, DLNR controls the area west and adjacent to Hale Pohaku. UH does not have control of enough land to separate the visitor issues from the hard core mission of the Maunakea Support Services. The people who work at the Maunakea Support Services are doing a good job with the resources that they are given. It's a systemic problem, that can only be solved when people recognize the problem. Trying to squeeze an inadequate culture center on the tiny property is not solving the problem. The IFA is responsible for figuring this out. I don't see that they "get it". From that stand point I support moving the IFA to the Big Island.

I support the good work that OMKM has done over the years. However, they to need to think past the Hale Pohaku footprint. It's not adequate for the next fifty years.

I support an audit, not because I think it's necessary, but because people need a common frame of reference of understanding where the money goes and what is real money and what is not. Building the facility takes real money, trading telescope time is not. I may be wrong, but I don't think that the audit will turn out like OHA's recent audit. OHA should not have anything to do with managing Maunakea, except collecting their 20%.

As Hawaiian language proliferates, year after year, the pressure will inevitably build. The young people need to look toward something they can be proud of. If not, there will be constant conflict.

The Hawaiian race is diluting rapidly. My grandma was pure Hawaiian. Two generations later, I am quarter Hawaiian. What will we look like and who will people of 1/64 Hawaiian associate themselves with? We need a place where we will not be forgotten.

Soon we will be flying into space. Will Hawaiians have a place in the discussion? Not, if we do not have a place above the clouds with the observatories.

I think the cultural center above the clouds can be the place where the generations of Hawaiian language school graduates can associate themselves positively with.

The cultural center can separate the support services mission from the cultural. This is a huge safety issue.

It can be the place where the UH Hawaiian language school can send graduates to educate.

We do not have to reinvent the wheel. Imiloa understands how this can work- Imiloa Mauka, Imiloa Makai.

People have to go to the 9,000 ft level to acclimate anyway. We could locate the cultural center to get a western look toward the sunset. From there the traffic to the summit can be controlled by charging more. If we do that, the cultural center becomes more sustainable.

Hawaiian craft people can sell their stuff to tourist. We don't have to buy as much stuff from outside the state to sell to tourist. Right now, we generate \$1 million annually without trying. Imagine if we tried.

I don't think it's fair to put everything on UH. This is a whole state issue. How about the rich people who live in Hawaii. I'm sure they would contribute to a cultural center above the clouds. This is a world issue, rich people in the world would see the value of a cultural center above the clouds.

I Mahalo Sen Kahele for bringing the issue forward. I don't think anyone else could have done what he did.

In pre contact days, we lived in a “gift economy”. The more one gave, the more one received. Anyone traveling on the Kings trail around the island knew he/she would be welcomed if they needed shelter. Then, it became the “ market economy”. The more one took, the more one received. This is the big disconnect that exists today.

Hawaiians are known for sustainability and the spirit of Aloha. This is the moral authority that the cultural center above the clouds would represent. This is the value that our whole world needs more of. And, this is what we should take with us when we go exploring again.

Build the cultural center above the clouds and everything else will fall into place

Aloha
Richard Ha

HB-1985-HD-1

Submitted on: 4/4/2018 12:25:41 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Clarence Ching	Individual	Oppose	No

Comments:

I am in serious opposition to HB1985 as I find an excessive amount of items in it that I am in opposition to - as enumerated below. I have intentionally terminated my testimony after making due consideration up to Page 44 of the proposed bill, as I have already exceeded my patience to spend any additional valuable time in waste. I totally object to the submission of this highly complex bill that has been questionably tailored and modified (at the last minute in a bait and switch process) in a legislative procedure that I find disdainful. So, no matter how seriously deficient I find the current Mauna Kea process, with the U.H. as the lead agency that arguably mis-manages the Mountain, this proposed vehicle for future management and administration of Mauna Kea, I reject.

1) I must first object to the timing of this hearing. With a completely different former iterations of this bill in senate and house bills, to do a complete and comprehensive analysis of the entire proposal in the time allotted is totally unreasonable.

2) Don't care for methods of selection AND approval of governor for members of the Authority. These methods of selection of members to be appointed by the governor is too political. It is questionable whether the Office of Hawaiian Affairs and the Candidate Selection Committee will have the expertness and qualifications to select qualified individuals to be pooled for selection by the governor. The procedure for the governor's selection for appointments is also over politicized. What's the difference between this proposed selection process and the present one? The result is the same as taking it away from the fox and giving it to the wolves.

3) Page 13, at 4) - This item seems to condone a rule-making ability without public or any other kind of oversight. For a public Authority to be able to operate without any public oversight may result in results that will be detrimental to the public's interest.

4) Page 14, Item 10 - Is there a conflict between this item and "state" laws regarding gifts to public officials, etc.?

5) Page 15, Items 12 and 13 - Creating a crime of trespass on Mauna Kea, I believe is idiotic. The Mauna Kea lands, for example, are subject to the Law of the Splintered Paddle of the Hawai'i State Constitution, it may unlawfully criminalize Hawaiians from exercising PASH and other rights on Mauna Kea (by attempting to unreasonably regulate the times and places by which rights may be exercised), and the public's right to recreate on the public lands of Mauna Kea (including hiking, snow play, and other acceptable and traditional activities).

6) Page 16, at 1) - It seems that the ability of this passage to affect a transfer of real property interests in perpetuity is in direct opposition to the intentions of that part of this bill that prohibits sales of Mauna Kea lands - that is outlined on Page 17 at d)

7) On Pages 13 to 16 - The series of items, as particularly noted above, may contain conflicts and other discrepancies when considered collectively - which needs to be analyzed by a fine-toothed comb. This hearing process, with its abbreviated noticed time necessary for thorough consideration is problematic.

8) On Pages 19 and 20 - The protocol for selection of candidates for the candidate advisory council is another example of injecting excessive politics and bias into the process. The process becomes a possible horse trading circus. Personally, it is problematic to have the aha moku advisory committee, the 'Imiloa Astronomy Center and the Kanakaole Foundation involved. What is the logic for having these organizations whose leaderships may be politically or nepotistically selected be charged with selecting politically well-placed candidates for a public process?

9) On Page 21 - What is the practicality of an Auction process that is provided for here when, for instance, a specific, solo observatory may desire to be sited, with no competitors for that specific purpose available? In other words, how would an "auction" process work when there is only one party that is interested in a specific site. Would a \$1 bid, without competition, win the auction and be awarded the site? C'mon folks - this

does not make sense. If a need arises that may trigger this process, then there must be a minimum upset price based on fair market value from which an auction could proceed.

10) On Page 22 - the same argument against an "Auction" process applies to a "Drawing" process. If a need arises that may trigger this process, then there must be a minimum upset price based on fair market value; from which a drawing could proceed.

11) On Page 23 - What determines whether a process of auction or drawing is utilized?

12) On Page 24, How does a "negotiated" process take place? And how does negotiation be the choice when auction and drawing are other possible alternates for disposition?

13) Is there a provision for a contested case hearing process in these dispositions? If not - then there should be.

14) On Page 26 - Ha! Finally - the bill will consider establishment of fair market values!

15) On Page 38 - Why should the lease restrictions provided in HRS be re-invented and re-iterated here?

16) On Page 44, Why should a "state" agency be subject to condemnation by any other "state" agency or county or city and county (except that we're specifically speaking of Hawai'i County in this bill, so no city and county) or any other governmental agency or subdivision?

HB-1985-HD-1

Submitted on: 4/4/2018 7:31:24 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hugh Y Ono	Individual	Oppose	No

Comments:

As and Island Resident and Business Person, I am asking that you not support this Bill which would be a reverse in the progress made to date.

HB-1985-HD-1

Submitted on: 4/4/2018 8:22:19 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carter Barto	Individual	Oppose	No

Comments:

HB1985 could effectively kill astronomy on Hawai'i Island, the best site in the northern hemisphere and arguably the best in the world, with an overall annual economic impact of \$167 million in 2012, \$91 million in Hawai'i County, more than 1,000 jobs statewide and billions of dollars injected into the local economy since the late 1960s.

HB-1985-HD-1

Submitted on: 4/4/2018 9:01:16 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shaeralee-Tiare Manosa	Individual	Oppose	No

Comments:

Aloha! I am almost full Hawaiian, but I was adopted by my grandparent's who were both pure Hawaiian. I am 36. My knowledge of Hawaii came from them and the way they raised me. Today, I look around me and I barely find others my age that loves our culture, lives our culture, and fights for our cultural upbringing. Should this bill pass, where will they find enough people with the experience they will require? Honestly, I don't think they care. They feel that if they can just get the land their control, they have won. Your honor, this bill will cause a devastating impact on Hawaii. If the real purpose of this bill is to formulate a plan that would create a better management, I ask that you not pass this bill any further, but inform UH of their responsibility to manage Mauna Kea in a more effective manner. Require that they form a council that will look over all these aspects and formulate a plan that would bring order to the chaos that has been going on. Hawaii is talking and no one seems to hear us. If Mt. Fuji can be respected for its sacredness, why doesn't anyone listen when Hawaiians speak for Mauna kea or any other matter that we hold dearly? It hurts. When will the State start to understand that we wouldn't make decisions that are bad for our aina? Our values, customs, ethics, and practices are our life. We want to protect it by the only means we know how. Handing over Mauna Kea to another group is not the answer. Please do not pass this bill.
Mahalo

HB-1985-HD-1

Submitted on: 4/4/2018 9:05:52 AM

Testimony for HRE on 4/5/2018 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Storyteller	Individual	Support	No

Comments:

Aloha. My legal name is Storyteller and I have been a resident, and a registered voter in Hawaii for 13 years. I am a retired nurse practitioner/certified nurse midwife, with a Master of Public Health in Nursing. I currently live in Hawaiian homelands on Molokai, giving care to an elderly kupuna so she can live her remaining years at home, rather than in an off-island nursing home. I have made Molokai my permanent home and will be here till the day of my death and beyond, if the heavens permit it!

I am testifying in VERY STRONG SUPPORT of this bill. The management of this incredibly rare and spiritually significant mountain has been clearly inadequate, as evidenced by FOUR separate audits that have been conducted as a result of mounting and passionate public outcry over the desecration and mismanagement of Mauna Kea. If the University of Hawaii and the Board of Land and Natural resources had been doing diligent management, or followed through with making the changes that were recommended by those four, separate audits (spanning many years), public outcry would not have grown so passionate. IN THE PRIVATE SECTOR, SUCH GROSS MALFEASANCE AND GROSS DISREGARD FOR LEGALLY MANDATED IMPROVEMENTS/REMEDIES WOULD RESULT IN FINES AND REPLACEMENT OF THE MANAGEMENT.

HB1985 seeks to do just that and does so in a way that respects ALL the unique resources the mountain offers; not just the 'telescopically myopic' view of the world of astronomy and the singular interests of the University of Hawaii. The bill would remove the current management and replace it with a collective of individuals representing the MANY different paths that lead to the summit of the tallest mountain on the planet. It places the majority interest with the rightful, primary stakeholders; the native peoples of Hawaii, while also giving reasonable voice to the other vested interests and entities with claims to its unique resources.

HB1985 will also provide greater revenue for the state as a whole and the native peoples in particular, by mandating reasonable, equitable, and market-based rents/userfees for non-local peoples and entities wishing to make use of its precious resources, and which will help to finance immediate action on some of the more gross and damaging violations which continue to be left undone by the current management!

I strongly urge you to consider this bill and the issue from a wholistic perspective and with the true interests of the people you were elected to represent. It offers a way forward that will avoid the cost of conflict and public protests, further litigation, restoration, and most importantly, it will significantly reduce the risk of further damage to this unique mountain; the most sacred mountain in all of Polynesia.

I, and many others like me, will be paying attention to how you vote on HB1985, and I will definitely be voting in the coming elections. May you make your choice from a place of personal integrity, cultural sensitivity and global social responsibility.