



**LATE**

February 12, 2018

Re: SB757 SD1 and SCR 29

Dear Chair Kahele,

The Kona-Kohala Chamber of Commerce supports astronomy, science, culture and environmental stewardship of Maunakea. In addition, we support the Thirty Meter Telescope and the new Mauna Kea state lease. We are unsure of the rationale for conducting a forensic financial audit at this time as proposed in SB757 SD1 and SCR 29.

The Kona-Kohala Chamber of Commerce is a 501(c)(6) non-profit organization with over 500 member businesses and organizations that represent a wide range of industries in the private, non-profit, and public sectors in the Kona and Kohala regions on the West side of the island of Hawai'i. Our organization exists to provide leadership and advocacy for a successful business environment in West Hawai'i as we work to strengthen our economy and promote our community.

Sincerely,

A handwritten signature in black ink that reads 'Wendy J. Laros'.

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

**LATE**

**SB-757**

Submitted on: 2/12/2018 2:11:44 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Thayne Currie	Individual	Oppose	No

Comments:

I STRONGLY oppose this bill as is. I understand and appreciate the motivation for having an audit to streamline operations and remove inefficiencies with, for example, just the Research Corporation of the University of Hawai'i. However, while some aspects of this may be well intentioned, it would have a catastrophic impact on astronomy on Maunakea.

The measure could effectively kill astronomy on Hawai'i island, the best site in the world for astronomy. Astronomy measurably benefits Hawai'i with an overall annual economic impact of \$168 million in 2012 according to the UHERO report, including 91+ million for Hawai'i island alone. Astronomy employs more than 1000 people statewide and is responsible for billions of dollars injected into the local economy since the master lease was originally signed in 1968.

CRITICALLY, though, what many people (including, apparently, this legislative body) misunderstand is that astronomy is not a giant money-making enterprise. We do not go into astronomy to get rich. While the operating costs for the observatories go well into the millions, these funds (largely funded without Hawaii tax dollars) go into the salary and benefits of observatory employees (including a huge number who are native to Hawaii), upkeep and maintenance of observatory equipment, and stewardship of Maunakea. See this article:

<https://www.bizjournals.com/pacific/blog/2015/07/astronomy-high-costs-and-no-profit-but-benefits.html>

This audit is dangerous and harmful because it can so easily be turned into a witch hunt and weaponized against the astronomy community. I agree that observatories, in the future, should probably pay some rent, just as TMT has promised to do. However, this bill will do much more harm, enabeling a deliberate attempt to run the observatories off

the mountain and strip away STEM opportunities for Hawaii's children, by mischaracterizing the results of the audit, using this mischaracterizing to tie up the observatories in court through future litigation (e.g. the master lease renewal), and attempt to 'soak' the astronomy community to demand charges that they simply cannot afford.

For some reason, through this bill and SB 3090 the Hawaii legislature seems intent on attacking astronomy, one of its most valuable employment sectors and a source of deep personal pride, especially on the Big Island. If they want a future for Hawai'i where the only opportunities are through tourism or the military that is up to them. But then do not be surprised if the keiki decide they are being told to leave in search of better opportunities. For good.

**LATE**

**SB-757**

Submitted on: 2/12/2018 3:29:26 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Vierra	Individual	Oppose	No

Comments:

Aloha

It seems an effort to push out the astronomy community using taxpayers money, my money to forward an agenda against the telescopes on MaunaKea. Many local families are employed by all observatories, taxpayers law-abiding citizens. If this bill is successful, more locals will be forced to leave Hawaii to seek gainful employment on the mainland. This is wrong, wrong wrong!

**LATE**

**SB-757**

Submitted on: 2/12/2018 3:42:12 PM  
Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Miyahira	Individual	Oppose	No

Comments:

This sure seems to be an attempt to harass the state and the University of Hawaii for its support of the TMT telescope project.

**LATE**

**SB-757**

Submitted on: 2/12/2018 5:50:56 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tammy Harp	Individual	Support	No

Comments:

Aloha Honorable Members of the Senate Higher Education Committee,

I am in SUPPORT of SB757 SD1 PROPOSED requiring the auditor to conduct a Forensic Audit on the University of Hawaii and its afflilitates in regards to Mauna Kea.

I am concerned that the University of Hawaii will be left to foot the bill if any of those observatories decided that they will not pay for decommissioning their respective telescopes; including, TIO's TMT.

Mahalo for your time and consideration.

Tammy Harp

**LATE**

**SB-757**

Submitted on: 2/12/2018 7:45:10 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Henderson	Individual	Oppose	No

Comments:

This bill is waste of time and money and should not be supported. As a Hawai'i resident and voter, I request that you do not support it. Please vote no.

Mahalo

David Henderson

**LATE**

**SB-757**

Submitted on: 2/12/2018 7:45:52 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Veronica Ohara	Individual	Oppose	No

Comments:

Honored Legislators of the State of Hawaii,

I think we are being bamboozled here with SB757 and HB269, these Bills are aimed to limit the funds the UH needs to raise. Aside from fixing broken buildings, paying for more football players the UH also needs money to support their Malama Maunakea Resolution that was passed by the UH BOR. This Resolution would support the Office of Maunakea Management and Ku Kahu Mauna to allow them better financial resources. If they are unable to raise funds to support OMKM the UH will fail in it's resolution and the astronomy on Maunakea, the observatories will be at risk.

This is just another Hail Mary Pass to get rid of astronomy on Maunakea.

Therefore I ask you to decline, vote down SB757, thereby allowing the UH to raise funds it requires to fullfill it's promise.

It's time the UH got support for all the good thing astronomy on Maunakea has done for the people of Hawaii. Exploration of the universe is in keeping with the voyaging tradition of our kupuna. Astronomy on Maunakea allows us to be in the lead for scientific discoveries. Education and class room support has been part of TMT's promise and the collective effort of the other observatories.

It's the 21st century, Hawaii's kids want more STEM education and careers. It's your job to make sure this happens.

With respect,

Veronica Ohara



**LATE**

**SB-757**

Submitted on: 2/12/2018 9:28:19 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaui Trainer	Individual	Support	No

Comments:

I HEARTILY SUPPORT SB757 RELATING TO THE UNIVERSITY OF HAWAII. A FORENSIC AUDIT IS JUST WHAT IS NEEDED! I WANT TO KNOW WHERE THE MONEY IS COMING FROM AND WHERE IT IS GOING. I WANT TO KNOW WHY THE CURRENT LEASES AND SUBLEASES ARE NOT FAIR MARKET VALUE. I WANT TO KNOW WHAT FEES ARE BEING PAID BY TOUR OPERATORS AND HOW IS IT USED? I WANT TO KNOW WHY THE UNIVERSITY GETS TO BENEFIT FROM RENTING OUT TELESCOPE TIME TO FOREIGN GOVERNMENTS, OTHER UNIVERSITIES, ETC AND NOT HAVE TO GIVE A PORTION TO NATIVE HAWAIIANS AS BENEFICIARIES OF THE PUBLIC TRUST. EVEN THE FACT THAT THEY TRADE IN KIND SEEMS TO BE JUST A WAY FOR THEM TO LIMIT SHARING THE BENEFITS WITH THOSE WHO ARE SUPPOSED TO BENEFIT FROM PUBLIC TRUST LANDS. I HOPE THAT YOU WILL PASS THIS BILL AND IMPLEMENT IT RIGHT AWAY!

**LATE**

**SB-757**

Submitted on: 2/13/2018 3:50:41 AM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jonathan Osorio	Individual	Support	Yes

Comments:

Aloha Senators

My name is Jonathan K. Kamakawiwo'ole Osorio and I was born and reared in Hilo Hawai'i in the malu of Mauna Kea. I have taught Hawaiian Studies at the University of Hawai'i since 1991. I am submitting personal testimony in favor of SB 757 to provide for a forensic financial audit of the University of Hawai'i's activities related to Mauna Kea. I consider the basic fact-finding regarding those activities as a necessary first step for improving or altering the management of the Mauna Kea Science Reserve.

The summit of Mauna Kea which includes this reserve is "Ceded Land," lands that were removed from the control of the Hawaiian Kingdom government following the illegal removal of the Queen from power in 1893. Under the joint resolution known as the Newlands Resolution in 1898 the United States government territorialized Hawai'i and treated the Crown and Government lands of the Kingdom, approximately 1.8 million acres as "public land." From these lands the United States withdrew approximately 400 thousand acres for military bases, federal parks, and for the lands provided for the Hawaiian Homes Act in 1921. In 1959, the United States placed the remainder of these lands, approximately 1.4 million acres under the control of the new State of Hawai'i, and the state became the trustee of these public trust lands.

There are two beneficiaries of this land trust: the general public and Native Hawaiians according to Section 5 (f) of the 1959 Admissions Act. As the constitutional representative of Native Hawaiians, the Office of Hawaiian Affairs has sued the University of Hawai'i and the Board of Land and Natural Resources charging negligence in the administration of the 11,000 acre lease of the Mauna Kea summit.

The University has argued that its negligence is a thing of the past and that it should be allowed to continue its management as it develops administrative rule that will meet its public trust obligations and that may be a reasonable request. But I would argue that a financial audit is necessary to provide a baseline by which one part of Mauna Kea's value can be measured. The public and certainly the Native Hawaiian beneficiaries and the Office of Hawaiian Affairs should be appraised of all revenue streams that are generated by the activities on the mountain. For one thing, the Office of Hawaiian Affairs is entitled to a 20% pro-rata share of the revenues generated by "Ceded Lands," and

should expect a full accounting of the revenues produced under the University of Hawai'i's master lease.

The monetary value of the activities on Mauna Kea are only one small part of the Mauna's value to the Hawaiian people, and it is also the easiest to discern and calculate. For the ways in which Mauna Kea has been mistreated and exploited, perhaps no sum of money can repair. But that does not mean that the trustees have no obligation to provide information and to seek repair of damage that has been done to the public trust. I use public trust here in both senses of the word because surely the public's trust in the administration of Mauna Kea has suffered as a result of continued negligence over the past 50 years.

I applaud this committee and Senator Kahele in particular for taking this on and placing this bill before the public. There is a need for a financial audit of the activities on Mauna Kea. Native Hawaiian cultural practitioners who consider the mountain sacred absolutely deserve to know what the violation of this mountain has purchased. If there is any way forward to bringing peace to Mauna Kea and to the agencies who have contributed to this pilikia, this huge problem, it can only come with a candid assessment of what is at stake. I urge this committee to move SB 757 forward.

**LATE**

**SB-757**

Submitted on: 2/13/2018 9:11:56 AM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peggy McArdle	Individual	Support	No

Comments:

**LATE**

**SB-757**

Submitted on: 2/13/2018 9:47:09 AM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ahia Dye	Individual	Support	No

Comments:

**LATE**

**SB-757**

Submitted on: 2/13/2018 12:13:48 PM

Testimony for HRE on 2/13/2018 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nicholle S L Konanui	Individual	Support	No

Comments:

I support SB757. I would like to have more transparency of where monies are coming from and going to. I am interested to know why current leases and subleases are not at fair market value. I would also like to know the fees charged to tour operators and how those fees are being used.

I am a kanaka maoli and registered voter of Hawai'i.

Mahalo



**Mililani B. Trask**  
[mililani.trask@icllchawaii.com](mailto:mililani.trask@icllchawaii.com)



To: Senate Committee on Higher Education,  
Sen. Kai Kahele (Chair) & Sen. Donna Mercado Kim (Vice-Chair)  
From: Mililani B. Trask & other Hawaiian Practitioners  
Hearing Date: Tuesday, Feb. 13<sup>th</sup>, 2018  
Hearing Time: 2:05 pm,  
Room: 224

**LATE**

Re: ***SB 757 PROPOSED SENATE DRAFT ONE***  
***& SCR29***

***Testimony in Opposition to Proposed language & Supporting the inclusion of the***  
***DLNR, BLNR and OMKM***

Aloha Senators,

I am a Hawaiian cultural practitioner of Maunakea, and one of the Hawaiians who constructed the Lele at Hale Pohaku over 20 years ago. I am a founding member of Mauna Kea Anaina Hou and testified as an Expert Witness in the Maunakea Contested Case proceedings. I have attended the meetings held in Hilo with Senator Kai Kahele, and am a member of the Wahine Po Ai Moku/Wahine Apapalani who have met with the Maunakea Envisioners, and submitted comments on the “proposed” rules floated by the DLNR.

I. State Mismanagement as verified by The State Auditor:

State auditors reports on the Mauna for the years 1998, 2005, 2009 and 2014 document numerous violations of State law and verify that although the University and private Telescope Operators created several studies & plans for the Development (Native Cultural Report, Public Access Report, Decommissioning Report and Comprehensive Management Plan) none of these plans have been implemented and no plan actually provided for Hawaiian rights to worship or for other cultural practices.

We do not know how much money was spent on these reports or why no one was ever hired to implement them.

In 2014, the State Auditor (citing Act 132 , 2009) noted, “Administrative rules governing public and commercial activities on Mauna Kea lands are necessary to provide effective protection of cultural and natural resources from certain public activities, and to help ensure public health and safety. Examples of public and commercial activities to be governed by administrative rules include general access to sensitive resource areas, such

as specific and off-road vehicle management and control; alcohol consumption; recreational activities; and commercial tour activities.”.

Some of the activities cited by the Auditor (commercial tours) bring in millions of dollars to the private operators under illegal leases.

**The 2014 audit found that the OMKM had benefitted significantly by avoiding its rule making obligations and giving out unauthorized and illegal permits for public commercial uses.** In the last few years, the science community has brought in 2 million dollars through illegal permitting for tourism. These funds did not go to the DLNR for management purposes, in fact the BLNR record reflects that the Board has repeatedly acknowledged that it did not have funds to meet the environmental and cultural needs of the Mauna.

**Although the provisions of Chapter 171 require fair market rental be paid for the use of public lands, these laws have been violated for 48 years, ever since the University received a 65 year lease for Maunakea in 1968 for free. The University, DLNR and BLNR ignored these laws when the lands on the summit were leased for \$1.00 per year.**

**Data obtained by Kahea, the Hawaiian Environmental Coalition indicates that annual rent should be 45 – 55 million per year and that rental of approximately 500 million has been lost to date.**

**These areas of oversight ARE NOT under the University of Hawaii, but the BLNR,DLNR & OMKM.**

Conclusion:

The deletion of the BLNR, DLNR and OMKM from the forensic audit is being proposed to cover up the loss of hundreds of millions of dollars to the public trust and to allow the ongoing violations of State law set forth in HRS Chapter 171.

The measure has been amended to make it appear that a forensic audit is being supported by legislators in this ‘election year’, in reality the failure of measure to include the BLNR, DLNR and OMKM facilitates the ongoing mismanagement of the Mauna by the State DLNR, BLNR and OMKM and the loss of hundreds of millions of dollars owed by the private sector to the State.

I oppose the measure as drafted and request that the BLNR, DLNR and OMKM be included in the fiscal audit. Without these changes, the Bill is little more than a cover-up for ongoing fiscal malfeasance by the State.

Mahalo,

Mililani B. Trask,  
Hawaiian Wahine Practitioner