



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
Tuesday, March 22, 2022 at 3:00 p.m.

By

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University of Hawai'i at Hilo

and

David Lassner, President
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HB 2024 HD1 – RELATING TO MAUNA KEA

Chair Kim, Vice Chair Kidani, and members of the committee:

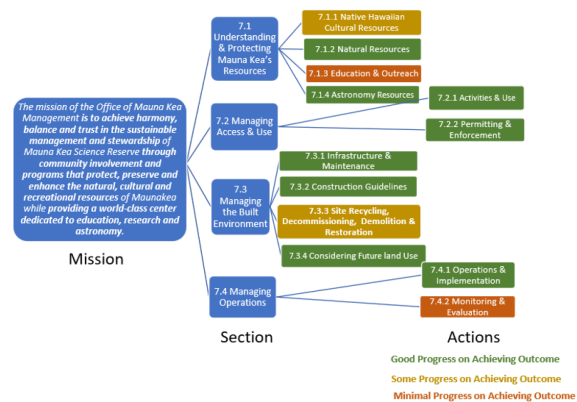
Mahalo for the opportunity to comment on HB 2024 HD1, relating to Mauna Kea. The University of Hawai'i ("UH") respectfully opposes HB 2024 HD1 as drafted on the basis that it is a misdirected attempt to resolve the deep-seated differences within our community regarding astronomy on Maunakea by changing the governance structure, without any balancing of the cost of doing so at this point in time. UH's current lease (and therefore subleases) lasts until 2033, and given the length of time required to obtain necessary approvals for a new land authorization, the governments and universities that support astronomy on Maunakea will be hard pressed to continue doing so without assurances about the State's support of astronomy on Maunakea. Even aside from the costs associated with starting a new governmental entity, and prematurely terminating existing contractual and property interests held by the observatories and UH, the ultimate toll that this Bill takes, if passed, is threatening one of our State's most successful global achievements based, respectfully, on an outdated narrative.

This Bill is founded on the narrative that UH is mismanaging Maunakea. More than twenty years following the long out-of-date 1998 audit, this is a false narrative, and UH has since made innumerable improvements and millions of dollars of investment. In 2000, in order to ensure more engagement and accountability to the Hawai'i Island community, the UH Board of Regents ("BOR") adopted the 2000 Master Plan that created the Office of Maunakea Management. UH Hilo then assumed many of the responsibilities previously held by the Institute for Astronomy ("IfA") on O'ahu, to more appropriately shift the focus to and on Hawai'i Island stakeholders. Improvements continued with the adoption of a Comprehensive Management Plan, Subplans (2009-10) ("CMP") and Hawai'i Administrative Rules ("HAR") chapter 20-26 (adopted by BOR in 2019 and approved by the Governor in 2020), which together, address the protection of Maunakea's cultural, natural, and scientific resources, ensuring safe public access,

managing commercial activities, and the decommissioning process for astronomy facilities.

UH has continued to shift stewardship and coordination to Hawai'i Island with the creation of the Center for Maunakea Stewardship ("CMS") under UH Hilo (2020) which brings together more closely than ever the environmental, cultural, educational, and operational elements of a comprehensive stewardship program. And most recently, the BOR adopted a new master plan (2021) that emphasizes the integration of culture and education with environmental stewardship and astronomy. The new master plan, for the first time, commits to a significant reduction in the number of astronomy facilities from the current 13 to a maximum of 9.

Multiple independent reviews in recent years have affirmed this work and counter the inaccurate premise of mismanagement that underlies this Bill. As we have reported in our testimony to the Joint House Committee re: HB 2024 (Attachment A), in its November 2019 Report on the Implementation of State Auditor's Recommendations 2014 – 2017, the State Auditor noted that of the several audit recommendations from 1998, only four (4) were outstanding. One item, directly under the control of UH, was completed with the BOR's adoption of HAR chapter 20-26. UH is actively working on the remaining three (3) items in coordination with the Department of Land and Natural Resources ("DLNR"), which has final approval on these particular tasks. These remaining items are dependent on (1) whether a new general lease is granted by the Board of Land and Natural Resources to UH and, more significantly, (2) whether there is a future for astronomy on Maunakea, both of which are decisions outside UH's sole authority.



From the Ku'iwalu Report – "The Links Between the OMKM¹ Mission and MCP Management Actions" demonstrates good management performance.

As a result of the hard work and investment of many, our stewardship programs have been recognized with multiple awards, notably in 2016 by the Kona Kohala Chamber of Commerce ("KKCC") and in 2017 by KKCC again and the Historic Hawai'i Foundation. Our stewardship also resulted in the removal of the wekiu bug from the endangered species candidate list in 2011 by the UH Fish and Wildlife Service who cited in their press release:

¹ "OMKM" is the former "Office of Mauna Kea Management" which has since been replaced with the creation of CMS in 2020 by the BOR.

“The removal of the wekiu bug is based on the successful management of the summit of Mauna Kea on the island of Hawai‘i. Survey work resulted in more than doubling the number of sites where this species is found. The protection and monitoring of the wekiu bug provided through the management plans for Mauna Kea has precluded the need to list this species.”

Most recently, the Ku‘iwalu Report² on which the Mauna Kea Working Group (“MKWG”) report³ and this Bill purports to be based, at least in part, noted that the UH managed lands on Maunakea are among the best managed lands in Hawai‘i.

The Ku‘iwalu Report also insightfully notes,

“Those who support existing and future telescope development on Mauna Kea believe that OMKM has adequately implemented the CMP MAs⁴ to preserve and protect the cultural and natural resources on Mauna Kea. For those who do not support continued telescope development on Mauna Kea beyond 2033, the expiration of the existing state lease, they believe that UH continues to mismanage Mauna Kea as concluded in the 1998 State Auditor’s Report.”

Astronomy on Maunakea was established over 50 years ago through the leadership of Governor Burns at the request of many in the Hawai‘i Island community. As a result, Maunakea is now the best site for astronomy in the world and the IfA is one of the top astronomy institutions in the world, a legacy about which our children and their children can be proud. Recognizing their responsibilities to do more for and with the community, UH and the Maunakea Observatories have implemented groundbreaking new programs. A Hua He Inoa has brought traditional Hawaiian naming practices to the naming of astronomical objects discovered in Hawai‘i resulting in international acceptance of Hawaiian names for major discoveries including the first “visitor” to our solar system from outside, ‘Oumuamua, and the first picture of a black hole, Pōwehi. The Maunakea Scholars Program provides Hawai‘i high school students on every island with access to the finest telescopes in the world to conduct their own research while mentored by UH IfA graduate students; the only such program in the world. These programs all result from the engagement and capacity within our UH campuses as part of our stewardship mission.

² The *Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan*, dated December 2020, was prepared for DLNR at its request by Ku‘iwalu, tradename for Ho‘Akea LLC, a company owned and operated by Dawn N.S. Chang (“Ku‘iwalu Report”).

³ The MKWG was created by House Resolution No. 33, H.D. 1 to “develop recommendations, building on the findings of the [MKWG].” The MKWG issued its final report to Speaker Scott K. Saiki on January 25, 2021.

⁴ “MAs” refer to the 103 management actions enumerated in the CMP, and which are currently being updated as part of the CMP’s adaptive management review and update process.

The MKWG Report ignores the positive changes discussed herein, and the Bill is inconsistent with the State's support of astronomy on Maunakea. The changes made in HD1 provide token support to preserve astronomy. Instead, the Bill makes stewardship of the mauna the responsibility of a group that does not fully represent the community, most notably the astronomy community. The new authority created under the Bill would be statutorily charged with planning the end of astronomy. Removing UH from its stewardship role and the holder of the general lease under which it grants subleases to astronomy facilities would cause the demise of IfA as a global leader. UH would no longer have a say or control over guaranteeing the best use of complex and costly scientific equipment for Hawai'i students, researchers, and faculty, or guaranteeing that the benefits from unique science outcomes are spread across the community so that future generations can become leaders in astronomy, physics, and math.

If the Legislature wishes to affirm a positive, thriving integrated future for astronomy in Hawai'i consistent with UH's "commitment to the collaborative stewardship of Maunakea's cultural, natural, educational and scientific resources, and ... to move forward to collaboratively build a global model of harmonious and inspirational stewardship that is befitting of Maunakea" (BOR Resolution, August 24, 2017) then this Bill should be amended as follows.

- Commit in statute to expand, broaden, and diversify the range of community voices in planning and decision making as seems to be the intent of HB 2024 HD1 and direct the creation of an interagency management authority comprised of UH, OHA, DLNR, and DHHL to develop a collaborative governance model that includes community voices on its oversight board. The entity could be administratively attached to DLNR, and its role would be to establish an integrated management program with shared goals and resources for the collaborative stewardship of public lands on Maunakea with each entity playing a major role consistent with its respective mission. These common objectives would incorporate many of the MKWG's recommendations along with DHHL's 'Āina Mauna plan for Maunakea, UH's Master Plan for astronomy, relevant DLNR management plans, and the principles of the Kumu Kānāwai to promote the kind of holistic and integrated management approach for the mauna presented in the MKWG report. Such an approach would ensure that Maunakea lands would continue to be protected under the various administrative rules and management programs in place without having to recreate a new management regime and government entity while giving time for trust, communication, and collaboration to build.
- Commit in statute to the cultural underpinnings of the MKWG report and HB 2024 HD1 and direct the interagency management authority to integrate these principles into a joint stewardship program. These are established principles of nature's cycles that should inform and shape stewardship practice, and UH looks forward to exploring their application in our management plans and actions.

- Commit in statute to the future of astronomy on Maunakea as a matter of state policy with UH holding an appropriate land authorization only for the astronomy precinct within which the existing astronomy sites are located, Hale Pōhaku, and the road connecting these areas so we can continue to improve our stewardship, as we have committed to do. Approximately 10,000 acres currently under UH's general lease would return to DLNR control and management.
- Direct the interagency management authority to develop a community-based stewardship program for the lands withdrawn from UH's current general lease that provides educational, stewardship, and economic opportunities for native Hawaiians and the community.
- While UH opposes the Bill in its current form, if the committee is willing, we would be glad to assist in crafting a bill that would help achieve a vision of a thriving, respectful, and balanced future where astronomy works hand in hand with cultural, historic and environmental stewardship for the benefit of the mauna, community, and humanity. This approach could also address some of the legal issues inherent in the current draft such as avoiding impacts to existing contractual obligations that extend to 2033 under the exiting subleases and other issues UH identified in our testimony to the House committees.

Polynesian explorers employed keen observation and generations of accumulated knowledge, including astronomical, to traverse the Pacific far-and-wide bringing humans to these islands centuries ago. They brought a profound understanding of humanity's place in the universe and the natural world. At some point in that history, there was the "first canoe" whose crew members were inspired by vision, intuition, and trust in the discovery of a land far away that they had no knowledge of but which could sustain life in spectacular ways. In the 1960's, Governor Burns launched us on a similar journey of discovery that asked UH to lead the State in building a knowledge-based sector to our economy that would establish Hawai'i as an international leader in science and technology based on our special and unique natural, cultural, and scientific resources. This voyage would not have been possible but for the imagination and foresight of the Hawai'i Island community responding to the devastation to Hilo caused by the 1960 tsunami and the recognition by a Hawaiian master optician and observer, Alika Herring, that Maunakea represents the best site for night-time observing in the world. Central to all of these voyages was a clear vision of what lies beyond that which we could imagine, and the courage to sail. Such courage is what's needed now.

Attachment A



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Water & Land,
House Committee on Judiciary & Hawaiian Affairs, and
House Committee on Finance

Saturday, February 19, 2022 at 9:00 a.m.

By

Greg Chun, Executive Director
Center for Maunakea Stewardship
University of Hawai'i at Hilo

HB 2024 – RELATING TO MAUNA KEA

Chairs Tarnas, Nakashima, and Luke, Vice Chairs Branco, Matayoshi, and Yamashita, and members of the committees:

Mahalo for the opportunity to comment on HB 2024, Relating to Mauna Kea. The University of Hawai'i is committed to the comprehensive and holistic principles for Maunakea stewardship advocated in the Mauna Kea Working Group (“MKWG”) Report (“Report”) and as called for in HB 2024. These principles are widely accepted as underlying accepted best practice in land and ecosystem management which are reflected in the collective commitments we have made through our Master Plan, Comprehensive Management Plan, component- and sub-plans, and our Administrative Rules. However, the University respectfully opposes HB 2024 for multiple reasons which are outlined in the attached response submitted during the public comment period on the MKWG draft report. We would like to take this opportunity to highlight a few of the more salient issues outlined in those comments.

1. Astronomy on Maunakea is a long-standing state policy. HB 2024 creates a new management entity with the authority to, among others things, “establish a plan to return the mauna above nine thousand two hundred feet elevation to its natural state.” Support for astronomy on Maunakea goes back for more than fifty years. At that time, the State decided that it did not want to just be a passive landlord for the best observatories in the world but that Hawai'i should be the home of a world-class program of astronomy research and education. This has enabled Hawai'i to participate in and lead the discoveries that underlie human understanding of the origins of the universe and the celestial bodies around us.

Maunakea is truly deserving of the highest levels of stewardship. Decisions on access to Maunakea for culture, science, education, recreation, and commercial activities require broader policy discussions involving stakeholders across multiple communities and policy-makers on Hawai'i Island and the State. No single state

entity, the creation of which is proposed in HB 2024, should have the sole authority to make that policy decision on behalf of the state. Further, upon close examination the recommendation to eliminate astronomy is not substantiated in wider stakeholder input submitted during the comment period for the Report.

2. The complexities and costs of managing access to public lands have been underestimated in the Report upon which HB 2024 is based. Under the proposed powers and duties of this new entity, public access appears to be more restrictive and does not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and economic uses. Access to Maunakea by Hawai'i Island residents, including native Hawaiian practitioners, is one of the most contentious and consistently raised concerns in matters related to Maunakea. The Report underestimates the complexity of addressing public interests and coordinating across the various jurisdictions on Maunakea. Further, the proposal to include adjacent State and private lands into the jurisdiction of the new Governing Entity greatly exacerbates the complexities of the enterprise and significantly increases its resource requirements, which itself has not been adequately evaluated in the Report.
3. Legal, administrative, and funding issues present risks for implementation of the MKWG's Proposal. There are a number of legal, administrative, and funding concerns raised by the MKWG's proposal that will require further analysis and discussion. These include but are not limited to:
 - a. The potential constitutional concerns related to race-based membership of a government entity with control over state lands and resources.
 - b. The Report does not account for the complexity of the various jurisdictions on Maunakea, and the variety of funding sources that will need to be shored up, or replaced with general funds.
 - c. The lack of key Stakeholder representation on the board of the new Governing Entity (i.e., astronomy, UH, federal partners) will in and of itself create governance and funding problems.
 - d. The complexities and risks of successfully working through the aforementioned tasks of realigning, much less simply coordinating, management of public lands that are currently under leases and/or the jurisdiction of different agencies with different administrative rules.

All of these are complex issues and any one of these could significantly impede implementation of the proposed governance structure given the contentious nature of Maunakea stewardship and the significant resources required. Respectfully, attaching the success of a newly established entity to highly speculative outcomes is irresponsible without considerably more cost-benefit analyses than is provided in the Report and to substantiate HB 2024.

The basis of HR 33 HD1 (2021) that established the MKWG, the MKWG Report, and HB 2024 are claims that the University has mismanaged Maunakea. The University has

acknowledged and apologized for its stewardship of Maunakea prior to 2000. Subsequent state audits of the University's management of Maunakea have documented our commitment and improvement over time. Further, DLNR's 2020 Independent Evaluation of the University's implementation of the comprehensive management plan (CMP) showed that people's perceptions of UH's effectiveness as manager were associated with whether people supported telescope development on Maunakea. No change in management practice will satisfy many of those who oppose TMT or even astronomy on Maunakea. This is not a management issue; this is a policy issue that requires broader discussion.

As you know, the University's current lease for the Maunakea Science Reserve (MKSR) expires in 2033. Discussions have begun for a new land authorization; the current preferred alternative is to seek a new land authorization for a reduced area including the astronomy precinct, access road, and Halepōhaku **only**, effectively withdrawing 10,000 acres from the science reserve and returning them to DLNR management. The University continues to seek opportunities to work collaboratively to enhance stewardship of the mauna.

In closing, the University should be judged by our complete record which shows substantial improvement over time across multiple dimensions. Our commitment has been reliably demonstrated in time, effort, and resources committed by us over the years in the exercise of our stewardship responsibilities for the privilege of access we have. And as a result, as reported by many in the Independent Evaluation **"...the cultural and natural resources on the state conservation lands on Mauna Kea are some of the best managed and protected lands in the entire State"** and we have a world class research enterprise Hawai'i can be proud of.

Mahalo for the opportunity to provide our testimony. Further details outlining our opposition to HB 2024 are outlined in our response to the MKWG Report which we have attached here.

University of Hawai'i Response to the Maunakea Working Group's Draft Report:
He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea

Mahalo for the opportunity to provide comments on the Mauna Kea Working Group's ("MKWG") Draft Report to the Hawai'i State Legislature entitled, *He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea* ("Report"). It is clear from the Report that the MKWG worked diligently in fulfilling their charge.

We have organized our response around five themes that arise from the content of the Report: 1) The University of Hawai'i (UH) embraces the value of the Kānāwai principles; 2) The MKWG's recommendations risk the future of astronomy in Hawai'i and beyond; 3) The complexities and costs of managing access to public lands have been underestimated; 4) Legal and administrative concerns; and 5) UH's responsible stewardship of Maunakea.

Our cover letter summarizes our views on these themes with further elaboration provided in the Attachment. Our intent is to provide an overview of the real challenges and implications of the Report and provide background that should be considered prior to contemplating and drafting legislation seeking to build upon the recommendations in the Report. Further discussion is welcomed.

1. The Kānāwai principles are consistent with UH plans for Maunakea

We acknowledge and appreciate the holistic and integrated approach of the Kānāwai principles described in the Report. The symbiotic connections between the elements of nature, and of nature with humans, emphasizes the importance of sustaining balance between these forms. These principles are valuable guidelines for land use planning and decision making. We understand that stewardship of Maunakea is a privilege that requires a comprehensive and cohesive management program. The University embraces these perspectives, which are reflected in the integrated and balanced nature of our own Master Plan including our proposed update, our Comprehensive Management Plans, and our Administrative Rules that collectively and specifically outline our commitments and responsibilities to Maunakea, the state, and the communities we serve.

As you know, managing public lands, especially 'āina with as many complexities and conflicting expectations is extraordinarily complex. We are committed to continuous improvement and look forward to improving the application and integration of these principles into the University's existing and next plans within the context of governing laws and regulations.

2. The MKWG Report places the future of astronomy at risk

Foundational to the Report's recommendations is the position of the MKWG that astronomy on Maunakea above the 9,200 foot elevation should be phased out as an allowed land use (Page 25).

Support for astronomy on Maunakea is a longstanding State policy going back more than fifty years. At that time, the State decided that it did not want to just be a passive landlord for the best observatories in the world but that Hawai'i should be the home of a world-class program of astronomy research and education. This has enabled Hawai'i to participate in and lead the discoveries that underlie human understanding of the origins of the universe and the celestial bodies around us. It is not an overstatement to say that what is at risk here is the future of

astronomy as a field of human inquiry, as a source of economic activity on Hawai'i Island, as an inspiration for Hawai'i's youth, as a source of pride for the people of Hawai'i, and as an area of international excellence for UH and our students. Consistent with its place in Hawaiian cultural tradition and cosmology, *Maunakea stands as a uniquely treasured scientific and community resource.*

Maunakea is truly deserving of the highest levels of stewardship. Decisions on access to Maunakea for culture, science, education, recreation, and commercial activities require broader policy discussions involving stakeholders across multiple communities and policy-makers on Hawai'i Island and the State. The recommendation to eliminate astronomy is not substantiated by wider stakeholder input in the Report.

The risk to astronomy's future is further amplified by the lack of specifics in the implementation plan for establishing the new Governing Entity proposed by the MKWG. Numerous steps would need to be achieved to establish the new Governing Entity including, but not limited to, enabling legislation, land transfers, development of land use and management plans, permitting requirements, development and coordination of administrative rules across jurisdictions, standard operations start-up, and the potential for appeals at multiple steps along the way. At the Board of Regents direction, the UH administration conducted its own analysis of alternate governance models for Maunakea in 2020. The MKWG's projected timeline of three years to establish the new Governing Entity is unrealistic and exacerbates the risk to the future of astronomy due to the impending termination of the current general lease in 2033. These are no small steps and the lack of a viable business plan on top of these challenges makes success highly speculative, especially with the Report's reliance on general fund appropriation.

3. The complexities and costs of managing access to public lands have been underestimated

Under the proposed powers and duties in the Report, public access appears to be more restrictive and does not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and economic (including commercial tour operator) uses. Does the MKWG propose to prohibit snow play? Hunting? Hiking? Who would determine the legitimacy of claims made by individual native Hawaiian cultural practitioners?

Access to Maunakea by Hawai'i Island residents, including native Hawaiian practitioners, is one of the most contentious and consistently raised concerns in matters related to Maunakea. The Report underestimates the complexity of addressing public interests and coordinating across the various jurisdictions on Maunakea. The proposal to include adjacent State and private lands into the jurisdiction of the new Governing Entity exacerbates the operational complexities of the enterprise and significantly increases its resource requirements. It is also unclear on how new rules and procedures the new Governing Entity adopts would integrate with existing rules governing activities on DLNR, DHHL, County, and private landowner property that is included in the new land area defined in the Report. Importantly, who does the MKWG propose to allow to have access, who will it prohibit, and who will make decisions about how individuals are placed into categories that are allowed or disallowed access?

Finally, the Report does not meaningfully address the resource requirements of the new Governing Entity. Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so

that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

4. Legal, administrative, and funding issues present risks for implementation of the MKWG's proposal

There are a number of legal, administrative, and funding concerns raised by the MKWG's proposal that will require further analysis and discussion. These include but are not limited to:

- A. The potential constitutional concerns related to race-based membership of a government entity with control over state lands and resources.
- B. The Report does not account for the complexity of the various jurisdictions on Maunakea, and the variety of funding sources that will need to be shored up, or replaced with general funds.
- C. As discussed before, stakeholder representation on the board of the new Governing Entity will in and of itself create governance and funding problems.
- D. The complexities and risks of successfully working through the aforementioned tasks of realigning, much less simply coordinating, management of public lands that are currently under leases and/or the jurisdiction of different agencies with different administrative rules.

All of these are complex issues and any one of these is a potential show stopper given the contentious nature and resources required of them. Attaching the success of a newly established entity to highly speculative outcomes requires considerably more cost-benefit analyses than is provided in the Report.

5. The University's commitment and ability to successfully steward Maunakea has been demonstrated

The University has acknowledged and apologized for its stewardship of Maunakea in the last century. Subsequent state audits of the University's management of Maunakea have documented our commitment and improvement over time. In its *Report on the Implementation of State Auditor's Recommendations 2014 – 2017*, the State Auditor noted that of the several audit recommendations from 1998, only four (4) were outstanding as of its November 2019 report. One item, directly under the control of the University, was completed with the University Board of Regents' ("BOR") adoption of Hawai'i Administrative Rules ("HAR") chapter 20-26 on November 6, 2019 (approved by the governor on January 13, 2020). The University is actively working on the remaining three (3) items in coordination with DLNR, which has final approval on these particular tasks. These remaining items are dependent on whether a new general lease is to be granted to UH and, more significantly, whether there is a future for astronomy on Maunakea, both of which are decisions outside UH's sole authority.

The University is charged with implementing 103 management actions in the *Mauna Kea Comprehensive Management Plan*, adopted by BLNR in 2009 ("CMP"). The University's implementation of the CMP was the subject of an independent review conducted by Kuiwalu in December 2020 at the direction of DLNR ("Independent Evaluation"). DLNR's Independent Evaluation of the University's implementation of the comprehensive management plan showed that UH had achieved good or some progress on 8 of the 10 desired outcomes identified in the

CMP. The two outcomes where we received a minimal progress rating are actively being worked on. This evaluation also found that **people's perceptions of UH's effectiveness as manager were associated to whether people supported telescope development on Maunakea, i.e., no change in management practice will satisfy many of those who oppose TMT or even astronomy on Maunakea.** This is not a management issue; this is a challenging and contentious statewide policy issue that is, again, not a decision that UH alone makes.


Our efforts to improve stewardship have been recognized by the community. In 2017 UH received the Pualu Award from the Kona-Kohala Chamber of Commerce for our education and outreach. In 2017 UH received a Preservation Commendation Award from the Historic Hawai'i Foundation for our interpretative efforts. And in 2016 we received the Pualu Award for Environmental Awareness from the Kona-Kohala Chamber of Commerce. Finally, and perhaps most notable, in 2011 the Wekiu Bug was removed from endangered species candidate list because of our ecosystem restoration efforts.

The University should be judged by our complete record which shows substantial improvement over time across multiple dimensions. Our commitment has been reliably demonstrated in time, effort, and resources committed by us over the years in the exercise of our stewardship responsibilities for the privilege of access we have. **The University believes that the criticism of "mismanagement" often levied against UH, and seemingly the basis for the Report, is now inaccurate and derives from the accusations of those who oppose the state policies in support of astronomy on Maunakea rather than the actual practices of the University.**

For these, and the reasons further detailed in the Attachment, we humbly suggest that instead of creating a new entity, the focus turns to what the Hawai'i Island community, native Hawaiian practitioners, Maunakea observatories, and DLNR have learned over time to continuously improve the University's stewardship of what has become one of the most, if not the most complex land management challenge in Hawai'i.

We are available for any questions you or others may have regarding our comments and our stewardship program.

Na māua iho nō me ka 'oia'i'o,



David Lassner
President, UH System



Gregory Chun
Executive Director, Center for Maunakea Stewardship

ATTACHMENT

University of Hawai'i (UH) Response to the Maunakea Working Group's Draft Report: He Lā Hou Kēia Ma Mauna A Wākea: A New Day On Mauna A Wākea

1. The Kānāwai Principles are Consistent with UH Plans for Maunakea

UH acknowledges and appreciates the holistic and integrated approach of the Kānāwai principles described in detail in the Foreword, Introduction, and Chapters 2 and 3 of the Report. The symbiotic connections between the elements of nature, and of nature with humans, emphasizes the importance of sustaining balance between these forms. As stated in the report:

“Normalizing the use of these traditional kānāwai in our modern society protects the life of kanaka, flora and fauna, as well as the health of the environment and the balance of its natural cycles. Developing this worldview can start with an inquiry into native ecology, observing nature, developing a relationship and appreciation of natural phenomena, and exhibiting a sense of responsibility in protecting that which nurtures and feeds us, the ‘āina.” (Page 5).

The connected nature of our surroundings and, therefore, the importance of sustaining balance between the various branches of the natural world are well established in many indigenous cultures. It is a lesson lost upon a large fraction of the world's population and as an institution grounded in science, UH finds the concepts laid out in the four kānāwai to be sound and relatable. They are the product of centuries of observation and learning in an island setting, developing practices that fundamentally sustain populations of living organisms, including humans, over long periods of time. Embracing them in the future makes sense, given the demonstrated success of their application in the past.

Chapter 3 of the Report is an attempt to bridge the elegant concepts laid out in the previous chapters into a management structure predicated on the kānāwai. Guiding principles are articulated, including:

“We are driven by creativity and innovation, constantly challenging the status quo. Our stewardship of Maunakea is informed based on existing knowledge and traditions (kānāwai) as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance our ability to serve as stewards without jeopardizing our foundation of ‘āina aloha.” (Page 20).

This is an important statement because it explicitly acknowledges the importance of continuity in knowledge systems to support ‘āina aloha, past, present, and future through “...new knowledge and opportunities...”. It is a hopeful and upbeat statement, but the report fails to identify how the approach proposed would actually lead to “new knowledge and opportunities” for our community. It sets up a dichotomy of interests and begs the question, what is the ultimate goal of the proposed management model?

The management of public lands is complicated, as you know, and as any agency will tell you. But, unlike any other land management framework in the state, the University has several layers built into its management framework that includes the Hawai'i Island community, academics, observatory operators, and the native Hawaiian community who are represented at various levels of decision making. This framework for managing lands on Maunakea was developed

over decades. The University has built constituencies, infrastructure, and funding to support its efforts. The University's new draft Master Plan and our updates to the Comprehensive Management Plan consider and incorporate what has been learned. Through its experience, the University has successfully moved toward a more balanced goal of astronomy, stewardship, and respect for Maunakea.

The University understands that stewardship of Maunakea is a privilege that requires a comprehensive and cohesive management program. The University embraces the intent of the k n wai, which is reflected in the integrated and balanced nature of our master plan and our proposed update, management plans, and administrative rules that collectively outline our commitments and responsibilities to Maunakea, the state, and the community in specific terms. These principles are valuable guidelines for land use planning and decision making and we are committed to continuous improvement and look forward to learning how to improve the application and integration of these principles into the University's existing plans and policies and within the context of governing law and regulation. Maunakea lands currently managed by the University are ceded lands with great cultural significance to native Hawaiians. Ceded lands are held in trust for the five (5) purposes enumerated under section 5(f) of the Admission Act of 1959 and the k n wai principles can help further balance those objectives.¹

2. The MKWG Report places the future of astronomy is at risk

Foundational to the Report's recommendations is the position of the MKWG that astronomy on Maunakea above the 9,200 foot elevation will no longer be an allowed land use:

"The Governing Entity shall develop a framework to limit astronomy development on the mauna, through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on the mauna, the Governing Entity shall establish a plan to return the mauna above 9,200 feet elevation to its natural state" (Page 25).

The Report also states that the MKWG had robust discussions over whether future legislation should limit the current astronomy footprint:

"The full Working Group had a robust conversation as to whether the Governing Entity should be prohibited from allowing either an increase to the current number of astronomy facilities or an increase to the current astronomy development footprint. Ultimately, the Working Group was not able to reach an agreement, with some members preferring not to set a specific astronomy footprint or astronomy facility number limit in legislation and others wanting a smaller footprint or less telescopes than what currently exists. Some members wanted a lower number of telescopes, such as the Governor's and the University of Hawaii's proposed nine telescopes. Nine telescopes, while a lower number than the thirteen telescopes that currently exist on the mauna, still represents an increase in the current astronomy footprint, which was unacceptable to some members" (Page 25 Footnote 5).

¹ Section 5(f) of the Admission Act, provides that ceded lands trust purposes are "[1] the support of the public schools and [2] other public educational institutions, [3] the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, [4] the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and [5] the provision of lands for public use."

The Report is also not clear on the question of funding and the details of implementation are lacking:

“To support the Governing Entity, a special fund shall be created as an on-going revenue base of funding. The Governing Entity shall consider various supplemental revenue sources to be deposited into the special fund, including but not limited to renegotiated lease terms and fees; observatory use fees; common area maintenance; toll fees; general funds; ecosystem service fees; user fees; other surcharges or fee structures; and state, county and federal funding” (Page 27).

“To assure that the Governing Entity has adequate time to establish itself, the Governing Entity shall have a transition period of three years to assume management of Mauna a Wākea lands”; and,

“To help establish the Governing Entity, general funds should be allocated by the Legislature for at least the first five years. Special funds shall also be used to provide financial support for the Governing Entity.” (Pages 24 and 27)

Further, the Report states decision making regarding the new managed lands will be under the “sole authority” of the proposed new Governing Entity:

“The Governing Entity shall be the sole authority for the management of designated state-owned lands on Mauna a Wākea (See JURISDICTION)” (Page 24).

Collectively, the result of these proposed changes, *i.e.*, uncertainty regarding: the future for astronomy, implementation requirements, and decision-making authority, is to increase substantially the risk to the ongoing viability of astronomy. Importantly, the process for implementing the recommendations must occur at an unprecedented pace to enable a future for Maunakea (Hawai‘i) astronomy. Numerous steps would need to be achieved including but not limited to enabling legislation, land transfers, development of land use and management plans, development and coordination of administrative rules across jurisdictions, and operations start-up. The projected timeline of three years to establish the new entity is unrealistic and exacerbates the risk to the future of astronomy due to the impending termination of the current general lease in 2033 (see section 5 herein for UH’s governance analysis). The lack of a viable business plan on top of these make success highly speculative, especially with the Report’s reliance on general fund appropriation.

It must also be noted that these changes require not just State of Hawai‘i approval but they must be embraced by US and international federal funding agencies that are wary of large-scale change without assurances of long-term stability. The prospect of protracted litigation, on top of all the other challenges to forging, funding, and implementing a new Governing Entity in the three years prescribed, will surely push the timescale for this proposal well beyond the horizon of viability for the existing Maunakea Observatories.

Support for astronomy on Maunakea is a longstanding State policy going back more than fifty years. At that time, the State decided that it did not want to just be a passive landlord for the best observatories in the world but that Hawai‘i should be the home of a world-class program of astronomy research and education. This has enabled Hawai‘i to participate in and lead the discoveries that underlie human understanding of the origins of the universe and the celestial

bodies around us. It is not an overstatement to say that what is at risk here is the future of astronomy as a field of human inquiry, as a source of economic activity on Hawai'i Island, as an inspiration for Hawai'i's youth, as a source of pride for the people of Hawai'i, and as an area of international excellence for UH and our students. Consistent with its place in Hawaiian cultural tradition and cosmology, *Maunakea stands as a uniquely treasured scientific and community resource.*

3. The complexities and costs of managing access to public lands have been underestimated

Under the proposed powers and duties in the Report, public access appears to be more restrictive and does not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and economic (including commercial tour operator) uses. Does the MKWG propose to prohibit snow play? Hunting? Hiking? Who would determine the legitimacy of claims made by individual native Hawaiian cultural practitioners?

Access to Maunakea by Hawai'i Island residents, including native Hawaiian practitioners, is one of the most consistently raised concerns in matters related to Maunakea. The Report's proposal appears to be more restrictive and may not reflect the wide variety of values the broader community holds towards Maunakea, including recreational, subsistence, educational, and commercial uses. For example, the Report states on pages 24 and 26:

*"The Working Group recognized that the scope of managing an area of such important cultural significance and geographic size presents many challenges. **Additionally, because Mauna a Wākea is the kuahiwi, or backbone, of Hawai'i Island in a structural, physical, and spiritual sense, the Governing Entity should work toward decreasing the human footprint of all users and visitors of Mauna a Wākea.**" (Emphasis added); and,*

"The Governing Entity shall establish a management framework guided by the Kumu Kānāwai to manage access, stewardship, education, research, permitted uses for frequent and seasonal users, and overall operations. The Governing Entity shall also prohibit commercial use and activities (not including astronomy) above Hale Pohaku and develop rules to designate areas for permissible use, including defining "commercial use."; and,

"The Governing Entity shall consider restrictions via applications and registration processes to ensure user compliance. Additionally, the Governing Entity shall require an application for all recreational uses, including fees, and create guidelines on limits by monitoring the impacts of recreational use over time."

In 2020 Governor Ige approved Hawai'i Administrative Rules ("HAR") Chapter 20-26 which was developed by the University with significant public input received over multiple years, to be able to enforce our stewardship responsibilities. HAR Chapter 20-26 regulates commercial and public activities on Maunakea lands managed by UH. The rules allow activities subject to the impacts of those activities being addressed. Commercial activities, such as commercial tours, are regulated by permit and operators are required to pay for the impact they have on the resources and for use of public facilities. Commercial tour operators provide a needed service by reducing independent vehicles driving up Maunakea, and this activity provides economic opportunities for the local community. Under HAR 20-26 the University is authorized to levy fees and fines with the opportunity for appeal. The University regulates impacts to resources

caused by public and commercial activities, not native Hawaiian cultural practices. And despite vague criticisms to the contrary, the University has never denied access to native Hawaiian cultural practitioners.

Finally, the Report does not meaningfully address the resource requirements of the new Governing Entity. Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

4. Legal, administrative, and funding issues present risks for implementation of the MKWG's proposal

There are a number of legal, administrative, and funding concerns raised by the MKWG's proposal that will require further analysis and debate. These include but are not limited to:

- A. The potential constitutional concerns related to race-based membership of a government entity with control over state lands and resources.

While we understand the intent, the designation of members of a state entity by race raises state and federal constitutional questions. Note that the Kaho'olawe Island Reserve Commission (HRS § 6K-5) and the burial council (HRS § 6E-43.5), both referenced in the Report, do not limit seats on its boards to "native Hawaiians." Instead, for example, burial councils are comprised as follows:

"Regional representatives shall be selected from the Hawaiian community on the basis of the representatives' understanding of the culture, history, burial beliefs, customs, and practices of native Hawaiians in the region they each represent."

We acknowledge that other agencies have board compositions where seats are explicitly designated for native Hawaiians. For example, the Hawaiian Homes Commission Act § 202(a) provides that "at least four of the members shall be descendants of not less than one-fourth part of the blood of the races inhabiting the Hawaiian Islands previous to 1778." And, the Papahānaumokuākea Council Charter provides that members shall include "three Native Hawaiian representatives." However, the purposes of those bodies are distinctly different from the new Governing Entity. DHHL was established specifically for the benefit of native Hawaiians and Papahānaumokuākea is an interagency management collaborative where individual partners do not cede their jurisdiction to the collaborative. Board composition tied to race should be further evaluated, particularly when the authority of the new Governing Entity is to manage public lands and state resources.

- B. The Report does not account for the complexity of the various jurisdictions on Maunakea, and the variety of funding sources that will need to be shored up, or replaced with general funds.

- i. Public lands should remain with the State for the benefit of the public.

On page 24 of the Report, the MKWG states:

“The public land trust lands held by the Governing Entity shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawai‘i”

This language mirrors Hawai‘i Revised Statutes § 6K-9, related to the Kaho‘olawe Island Reserve Commission. However, Maunakea is not Kaho‘olawe. While both are culturally significant, unlike Kaho‘olawe, Maunakea is actively used by the Hawai‘i Island community, including native Hawaiians, researchers, and others from across the state. These are ceded government lands that should remain with the State of Hawai‘i for the five (5) stated purposes under section 5(f) of the Admission Act.

- ii. The Report’s proposal to expand the land area under a new Governing Entity adds uncertainty and complexity to an already complex management issue.

The Report recommends a significant expansion of currently managed lands, pulling in private lands and other state lands managed under different laws as follows:

“the jurisdiction area for the Governing Entity shall be state-owned lands above the 6,500 foot elevation line, inclusive of Pu‘u Huluhulu to the summit of Mauna a Wākea, in order to care for Mauna a Wākea through an integrated, whole systems approach. Additionally, for lands outside of its jurisdiction, the Governing Entity shall enter into cooperative management agreements with the Department of Hawaiian Home Lands, County of Hawai‘i, and private landowners whose lands are within the jurisdiction area.”

Conservative estimates of this expansion could include approximately 56,000 acres of DHHL property, and more than 50,000 acres and 3,800 acres designated as DLNR Forest Reserve (“FR”) and Natural Area Reserve (“NAR”) land, respectively, in addition to other unidentified state, county, and privately owned lands that are referenced. The Report does not provide any details on how the new entity will manage state and private lands, and it is unclear what is meant by the new Governing Entity having jurisdiction over adjacent private lands as proposed in the Report. The Report discusses the idea of cooperative agreements but there could be significant property right issues raised through this expansion.

- iii. Powers and duties of the new Governing Entity are unclear and already exist.

Existing plans and rules developed and implemented by the University and DLNR over decades of learned and practiced management provide the integrated planning and decision-making framework suggested in the Report.

Chapter 3 of the Report details the powers and duties of the new governing entity on pages 24-25. Among other matters, it states that:

“...the Governing Entity shall develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; and disposition. The plan shall be developed during the transition period; finalized and approved, and operational by the end of the transition period; and updated every ten years with a focus on long-term, comprehensive, coordinated planning for all of the managed lands. Additionally, the plan shall consider the state’s energy and sustainability goals, as well as impacts to climate change, including adapting to climate change and developing mitigation measures to climate change, and shall incorporate indigenous management and cultural processes and values.”

Before updating of the master plan for lands managed by the University on Maunakea, the University explored the idea of combining its two governing documents: the master plan adopted by BOR and the CMP adopted by BLNR. Based on the University’s assessment, in consultation with DLNR, we determined that combining them may not be practicable.

Both plans are implemented together and are consistent; however, each serves a different purpose. The CMP is a plan required when applying for a conservation district use permit. It addresses ongoing resource management practices to avoid, mitigate, or minimize impacts caused by proposed uses and activities. The master plan is the University’s vision for the lands it manages on Maunakea for a period of years, and it provides a framework for proposed land uses and decision making early in the planning process before a proposal is advanced to permitting, environmental review, and funding consideration. The University’s master plan and CMP, along with the administrative rules, collectively are required to achieve the state’s long-term goals of stewardship and sustainability.

Chapter 3 of the Report also provides that the new governing entity must comply with various statutes applicable to state agencies, but suggests that Maunakea lands be placed in the FR. On page 25 of the Report, it states:

“To maximize transparency, the Governing Entity shall be subject to administrative procedure pursuant to chapter 91, Hawaii Revised Statutes; Sunshine Law, pursuant to chapter 92, Hawaii Revised Statutes; the State Procurement Code, pursuant to chapter 103D, Hawaii Revised Statutes; and chapters 183, 205, 205A, and 343, Hawaii Revised Statutes.”

The Report suggests that these lands should be subject to HRS chapter 183, *Forest Reserves, Water Development, Zoning*. Lands designated FR will be subject to the rules and program under DLNR’s Division of Forestry and Wildlife (“DOFAW”). FR rules are far more restrictive generally than conservation district rules (e.g., it is unlikely that astronomy facilities would be allowed in the FR).

Building capacity to operate under HRS chapter 91, the Hawai’i Administrative Procedures Act (“HAPA”), takes time, staff, and resources. HAPA covers rule making, contested cases, and declaratory orders. The Report does not provide

detail on these resource-intensive requirements. These regulatory frameworks are needed, if as the Report suggests, the new entity will have more enforcement authority than the University currently has. The Report states on pages 26-27:

“[T]he Governing Entity shall work with the Department of Land and Natural Resources’ Division of Conservation and Resources Enforcement and Hawai’i County Police enforcement structure to enforce rules and monitor public safety through cooperative agreement. Additionally, the Governing Entity shall create operational procedures that are guided by the Kumu Kānāwai and implemented by enforcement partners.”

The Report is unclear on how new rules and procedures it adopts would integrate with existing rules governing activities on DLNR, DHHL, private, and other government lands included in the new land area defined in the Report. It is also unclear what the statement “...guided by the Kumu Kānāwai and implemented by enforcement partners” means to people who would visit Maunakea, such as Hawai’i Island residents, including native Hawaiians.

The University already has administrative processes and procedures in place. It already works under the sunshine law, procurement, HRS chapter 343, and other agency regulations related to land use. These processes have been scrutinized and tested by internal audits, state audits, DLNR oversight, and Hawai’i courts. How these matters are proposed to be handled directly impacts the viability and resource needs of the new entity.

C. The adequacy of stakeholder representation on the board of the new Governing Entity.

The Report recommends the establishment of a new attached state agency governed by a board of directors: On page 22, the Report states:

“The Governing Entity shall be attached to the Office of the Chairperson of the Board of Land and Natural Resources for administrative purposes. Decision-making for the Governing Entity shall be made by a nine-member board, of which seven seats shall be appointed and two seats shall be held by ex-officio members, with the board selecting a Chair from among its non-ex-officio members; provided that the Chair shall not be the Executive Director of the Governing Entity. Additionally, of the nine members, four of the seven non-ex-officio board members shall be Native Hawaiian Hawaii Island residents, with a preference for Native Hawaiian Hawaii Island residents for all seven non-ex-officio board seats.”

While the University agrees that broad representation on the governing board of a state land management entity is needed to ensure the range of perspectives Maunakea deserves, key expertise is lacking from the proposed structure, including seats for observatory and University representatives.

The MKWG’s lack of consensus for having astronomy representation and for eliminating University representation on the governing entity board is problematic. The Report argues that this would create a potential conflict of interest. First, it is not uncommon to have tenant and stakeholder representation on governing boards of attached state agencies. For example, the Natural Energy Laboratory of Hawai’i (“NELHA”) maintains

two seats on its board of directors for tenants who hold direct leases from the agency. Second, every board, public and private, deals with conflicts of interest through reporting and recusal procedures, so this alone is not sufficient reason to omit these important perspectives especially if they are a primary source of funding stewardship activities.

By contrast, the University's management framework includes community advisory groups, such as Mauna Kea Management Board ("MKMB") and Kahu Kū Mauna ("KKM") who have early and direct input into the decision-making process. Additional committees that advise the MKMB, like the Environment Committee ("EC"), provide additional, specific expertise. All of these advisory groups include Hawai'i Island members who are directly impacted by decisions on Maunakea.

- D. Working through the aforementioned complexities of realigning, much less simply coordinating, management of public lands that are currently under the jurisdiction of different agencies, subject to different administrative rules, appear to have been underestimated, like the time for of start-up and amounts of funding.

The details of the University's concerns here were outlined in section B(iii) above. The processes for working through the challenges of multiple jurisdictions are already in place so further analysis should be performed to discern the cost of duplication or replication of these processes, as compared with any purported benefit.

Each of these issues is itself complex, and any one of them is a potential show stopper given the contentious nature and resources required of them. Attaching the success of a newly established entity to highly speculative outcomes requires considerable more analysis before even attempting to draft legislation.

5. The University's commitment and ability to successfully to steward Maunakea has been demonstrated

While not explicitly stated in the Report, the rationale for the formation of the MKWG, and the need to establish a new governing entity, appears to be based on the assumption that a new entity could manage Maunakea better than the University. This assumption seems to be based on a snapshot of reports that evaluated the University's management over the years as well a lack of recognition of the University's own efforts and response to the University's critics.

- A. State audits of the University's management of Maunakea show improvement over time

The Report on page 3 cites a series of State Audits that began in 1998 and concludes with the statement that "Subsequent reports, which still identified shortcomings, were filed by the State Legislative Auditor's office in 2005, 2014, 2017, and 2019." The University has acknowledged and apologized for its stewardship of Maunakea in the last century, but subsequent state audits of the University's management of Maunakea have documented our commitment and improvement over time.

In its *Report on the Implementation of State Auditor's Recommendations 2014 – 2017*, the State Auditor noted that of the several audit recommendations from 1998, only four (4) were outstanding as of its November 2019 report. One item, directly under the control of the University, was completed with the University Board of Regents' ("BOR") adoption of Hawai'i Administrative Rules ("HAR") chapter 20-26 on November 6, 2019 (approved by the governor on January 13, 2020).

The University is actively working on the remaining three (3) items in coordination with DLNR, which has final approval on these particular tasks. These three (3) items are:

- i. “The University of Hawai‘i should renegotiate with existing sublessees to amend subleases to include provisions that address stewardship issues, as modeled by the provisions in the 2014 TMT sublease, following execution of the new general leases for UH-managed lands on Mauna Kea”;
- ii. “The Department of Land and Natural Resources should continue working with UH to renew the general leases for the UH-managed lands on Mauna Kea and ensure the leases are substantially in the form DLNR’s Land Division recommended for approval by the land board”; and
- iii. “The Department of Land and Natural Resources should use additional stewardship-related conditions contained within the TMT observatory permit as a template in all new observatory permits issued for the summit of Mauna Kea.”

The timeline on the first two of these audit items is affected by challenges brought by the Office of Hawaiian Affairs (“OHA”) and other groups who oppose TMT in several ongoing administrative and judicial appeals. If the Board of Land and Natural Resources (“BLNR”) grants the University another general lease, then BLNR must approve the first two items, which the University intends to comply with. The third audit item regarding whether BLNR grants a new astronomy facility conditional use permits is not within the University’s control.

These audit findings show the significant progress the University has made over time in fulfilling its management responsibilities. Reliance on those past audits as a measure of the University’s recent or current performance is no longer valid, and the past audits do not support taking the management away from the University. Instead, those audit reports confirm that the University has learned from its decades-long management and improved based on that experience.

- B. The Independent Evaluation of University’s implementation of the CMP was positive in most all areas, and the University has made changes to improve the few areas marked for improvement

The University is charged with implementing 103 management actions in the *Mauna Kea Comprehensive Management Plan*, adopted by BLNR in 2009 (“CMP”). The University’s implementation of the CMP was the subject of an independent review conducted by Kuiuwalu in December 2020 at the direction of DLNR (“Independent Evaluation”).

The Report picked up on some aspects of the Independent Evaluation; however, it is important to consider the actual text of the Independent Evaluation. As stated in the Independent Evaluation:

“The purpose of this Independent Evaluation Report (Report) is to (1) evaluate the effectiveness of UH, specifically OMKM’s, implementation of the specific Management Component Plans (MCP) found in Section 7 of the CMP, and (2) to evaluate the efficiency of the governance structure in managing the cultural and natural resources within state conservation lands under lease to UH.”

The Independent Evaluation offers the following conclusions:

- i. “UH’s self-assessment and many of the public comments which included members of the Native Hawaiian community and government agencies, have acknowledged that OMKM has implemented most of the 103 MAs within the MCPs. Many have commented that OMKM has effectively implemented many of the MAs that have resulted in protecting and preserving the cultural and natural resources within the state conservation lands.”
- ii. “[I]n the areas of untimely adoption of the administrative rules, cultural resources, and education and community outreach, especially with the Native Hawaiian stakeholders, the efforts by OMKM have been ineffective to achieve the desired outcome.”

It is important to note regarding the above conclusions that:

- i. At the time of the Independent Evaluation, HAR chapter 20-26 was adopted by BOR and approved by the governor. The University is currently implementing the rules. Before BOR adopted the rules (which it was granted authority to adopt in 2009 under Act 132), the University was continuously implementing the 103 CMP management actions, administering commercial tour operator permits, and coordinating on enforcement related to resources and public health and safety with entities like DLNR and its various programs² and county first responders.
- ii. Outreach to the Hawai’i Island community, including native Hawaiians, has been a mainstay of University management on Maunakea, and it is built into its management framework. This includes outreach through advisory groups like KKM³ and the MKMB⁴ as well as local schools, community groups, businesses, native Hawaiian faculty, lineal descendants, and those who identify as kia’i. The recent adoption of HAR chapter 20-26 and the on-going work finalizing the new master plan include significant efforts by the University to capture community input, resulting in thousands of comments and dozens of meetings with interested groups. All substantive comments were considered, which the University has documented in its rulemaking process and the new master plan Volume II.
- iii. There has always been an education component for the public and community outreach conducted by the University and directly by the Maunakea observatories. The University’s recent reorganization furthers this work by designating the ‘Imiloa Astronomy Center for orientation programs and educational partnerships by BOR resolution and executive policy.

The Independent Evaluation ***did not conclude that UH has “mismanaged” Maunakea***, a term often used against the University. Here is how the Independent Evaluation discusses “mismanagement”, only once and quoted in full:

“The public’s assessment of how effectively UH has implemented the CMP has primarily varied depending on whether they are in favor or opposition of

² For example the State Historic Preservation Division, Division of Conservation and Resources Enforcement, Division of Forestry and Wildlife, Office of Conservation and Coastal Lands, etc.

³ Comprised of individuals knowledgeable about native Hawaiian cultural practices who advise the MKMB.

⁴ Composed of members representing the major stakeholders of Maunakea; primary role is to advise the Office of the Chancellor at the University of Hawai’i at Hilo on management of the Mauna Kea Science Reserve.

*telescope development on Mauna Kea. Those who support existing and future telescope development on Mauna Kea believe that OMKM has adequately implemented the CMP MAs to preserve and protect the cultural and natural resources on Mauna Kea. **For those who do not support continued telescope development on Mauna Kea beyond 2033, the expiration of the existing state lease, they believe that UH continues to mismanage Mauna Kea as concluded in the 1998 State Auditor's Report.** In particular, those in opposition believe that UH continues to advocate telescope development over the protection and preservation of the resources.*

With respect to the broader public comments on the effectiveness of the UH governance structure, most see UH as one entity. They either believe that the UH existing structure is doing a good job, or they believe that UH is mismanaging Mauna Kea and there is very little in between.

(Emphasis added.)

It should be noted that the University's newly issued draft Master Plan establishes a limit of nine telescopes post 2033. It also restricts future development to existing observatory sites. The University committed to these limits despite considerable differences with astronomy advocates.

C. The University and its advisory groups take constructive criticism seriously.

At the direction of the BOR, in April 2020, the University completed an analysis of alternative governance models that included models in which the University did not serve as primary manager. The analysis evaluated the benefits and challenges of establishing the various forms of new entities identified (see [BOR Presentation \[4.16.20\]](#)). In the University's analysis of governance models, the University concluded that three (3) years is not sufficient time to transfer legal rights under existing agreements, staff, resources, programs, plans, policies, and other elements of the University management program and apparatus to a new, yet-to-be-formed entity. Given the need for bicameral legislative support and based on past legislative efforts, the University determined it would take several years for the enabling legislation to be passed to form the new entity. This short timeline also does not account for the approvals required for a new master plan, management plan, permits, administrative rules, general lease, and observatory subleases, and for developing a viable business plan that ensures the new entity's sustainability.

As a result, the University has focused its attention on the governance alternative within its control and broadened community representation within its existing advisory groups. In 2021, the EC increased its membership, bringing different expertise and perspectives to its committee. KKM updated its purpose statement and is actively recruiting new members to reflect their renewed vision. The voices on the EC and KKM are diverse and include members who share some of the views of Hawai'i Island kia'i.

At their December 7, 2021 public meeting, the MKMB passed a motion recommending that the University administration restructure MKMB along the lines of what was identified as Model 4A, Collaborative Management with UH, in the University's analysis of governance models. Model 4A expands the current MKMB from seven to nine members; designates ex-officio seats on the MKMB for DLNR, DHHL, OHA, and the

County of Hawai'i; and redistributes representation of the remaining seats to include various stakeholder interests.

In many ways, the MKWG's recommended structure parallels what the University is in the process of implementing except that the University and astronomy are represented.

D. Tangible demonstration of the University's commitment to stewardship

Annual operating costs for stewardship alone are \$12M, the majority of which is covered by extramural and non-general funds generated by the University. In addition, the University provides world-class global network connectivity for all Maunakea Observatories so that the data collected on the mountain can be shared with researchers and students at institutions around the world. Under the new management regime being recommended, absent other sources of revenue because of the uncertainty created about future access and use, a substantial investment by the State will be required to support a new stewardship program that would have jurisdiction for significantly more land than the current program.

The fruits of the University's efforts to improve its stewardship have been recognized by the community. In 2017 UH received the Pualu Award from the Kona-Kohala Chamber of Commerce for its education and outreach. In 2017 UH received a Preservation Commendation Award from the Historic Hawai'i Foundation for its interpretative efforts. And in 2016 UH received the Pualu Award for Environmental Awareness from the Kona-Kohala Chamber of Commerce. Finally, and perhaps most notably, in 2011 the Wekiu Bug was removed from endangered species candidate list because of the University's ecosystem restoration efforts.

In closing, the University should be judged by our complete record which shows substantial improvement over time across multiple dimensions. Our commitment has been reliably demonstrated in time, effort, and resources committed by us over the years in the exercise of our stewardship responsibilities for the privilege of access we have. And as a result, as reported by many in the Independent Evaluation **"...the cultural and natural resources on the state conservation lands on Mauna Kea are some of the best managed and protected lands in the entire State"** and we have a world class research enterprise Hawai'i can be proud of.



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**Senate Committee on Higher Education
Tuesday, March 22, 2022**

**Testimony by:
Randolph Moore, Chair, Board of Regents**

H.B. No. 2024, H.D. 1 – RELATING TO MAUNA KEA

Chair Kim, Vice Chair Kidani, and members of the Committee:

The Board of Regents (“Board”) opposes H.B. No. 2024, H.D. 1 which seeks to establish the Mauna Kea Stewardship Authority as the sole managing authority for state-managed lands on Mauna Kea.

On February 17, 2022, the Board considered and discussed H.B. No. 2024 relative to the University of Hawai'i (“University”) which has operated and managed the Mauna Kea Science Reserve (“MKSR”), a scientific complex constructed to establish astronomy in Hawai'i, and its associated lands since 1968. The Board also continues to exercise its oversight of the University's actions with respect to the MKSR, most recently adopting, by a majority vote, a new Master Plan for the University's Maunakea Lands on January 20, 2022, while concomitantly expressing its belief that many of the underlying issues related to Mauna Kea are beyond the control of the University and will only be addressed through community efforts.

While the Board understands the concerns raised about the University's overall management of Mauna Kea lands under its jurisdiction in the past, the University is the only entity currently in existence with the capacity to effectively and efficiently manage the MKSR and the most capable steward for the Mauna Kea lands under the University's jurisdiction. As such, the Board respectfully opposes passage of H.B. No. 2024, H.D.1.

Thank you for the opportunity to provide testimony in opposition to H.B. No. 2024, H.D. 1.



HB2024 HD1
RELATING TO MAUNA KEA
Senate Committee on Higher Education

March 22, 2022

3:00 p.m.

CR 229 & Videoconference

The Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on HB2024 HD1, intending to establish the Mauna a Wākea stewardship authority (“MWSA”), and, produced from the work and report of the Mauna Kea Working Group (“MKWG”), created by House Resolution No. 33, H.D. 1, (Regular Session of 2021), where OHA was named as one of fifteen MKWG members.

Authority Placed Within DLNR. HB2024 HD1 amended to place the MWSA within the department of land and natural resources (“DLNR”) for administrative purposes.¹ OHA reiterates and raises several concerns with the historical actions and inactions of the DLNR on a breadth of matters related to governance and management of lands, water, cultural and natural resources, including but not limited to iwi kupuna, island burial councils, length of leases, revocable permits, interim instream flow standards, proper accounting and reporting of public land trust revenues---are a few areas of top of mind concerns. In addition, the board of land and natural resources (“BLNR”) as the governing entity of the DLNR, has been at the forefront of the current governance and mismanagement of Mauna Kea by the University of Hawaii, due to the permissions provided or absence of accountable leasing requirements by the BLNR.

Composition of the MWSA. Standing Committee Report 99-22 and HB2024 HD, refer to the consideration for adding a representative of the Maunakea Observatories (“MO”) and University of Hawai‘i (“UH”) President (or designee), respectively. The MO and UH seats, advantages and privileges, two specific users of Mauna a Wākea that have not explicitly demonstrated a fundamental operating principal of Mauna Aloha – understanding the reciprocal value of the mauna and a long-term commitment to maintaining the integrity of Mauna a Wākea. Perhaps over time with intentional and explicit policies and activities, either or both MO and UH, will demonstrate the principles of Mauna Aloha, but not at this time, at the inception and formation of the MWSA.

Not Deemed Public Lands, HRS 171-2. OHA’s comments contained herein, specifically **opposes** the expansion of the section “ -8 Transfer” provision on page 18, line 9, to state, “..The lands under the jurisdiction of the authority shall be held in trust as part of the public land trust; **provided that lands under the jurisdiction of the authority shall not be deemed public lands as defined in section 171-2.**” [emphasis added]. DLNR is a

¹ Page 5, lines 1, 2 and 3



HB2024 HD1
RELATING TO MAUNA KEA
Senate Committee on Higher Education

department of the State of Hawai`i charged with managing and administering the State's public lands pursuant to HRS section 26-15(b) and HRS Chapter 171. These are lands are government or crown lands previous to August 15, 1895, to which the United States relinquished the absolute fee and ownership under section 91 of the Hawaiian Organic Act prior to the admission of Hawaii as a state of the United States and given the status of public lands in accordance with the State constitution, the Hawaiian Homes Commission Act, 1920, as amended, or other laws.

The added language is a significant departure from title to the lands held in trust and precedent regarding constitutional duties of the State and OHA regarding the public land trust lands. The language is also conflicting, counterintuitive and an explicit change to exclude all income and proceeds derived from the public land trust; and the subsequent transfer of the full twenty per cent pro rata share of income and proceeds from the public land trust annually to OHA, for the betterment of the conditions of Native Hawaiians. OHA **opposes** the transfer of jurisdiction to the public land trust lands to the newly formed Authority, which would apparently hold title to the public land trust lands, yet apparently “not be deemed” public lands as defined in section 171-2, Hawaii Revised Statutes.

Nomination Process. The process nominating individuals to serve on the Authority would require consultation as opposed to coordination. OHA has adopted processes to consult with Edith Kanaka`ole Foundation, Native Hawaiian traditional practitioners, Native Hawaiian Organizations (“NHO”) having traditional ecological knowledge, in developing a list of names for approval by the Board of Trustees. It would also be appropriate to name persons who are lineal and cultural descendants under Native American Graves Protection and Repatriation Act (NAGPRA).

Consultation with Native Hawaiian Organizations. OHA is recognized and participating in ongoing consultation with federal agencies such as the Department of Interior (DOI), Department of Defense (DOD), Federal Highways (FHWA), Advisory Council on Historic Preservation (ACHP), National Oceanographic Atmospheric Administration (NOAA), in the protection of public land trust lands, sacred sites, iwi kupuna, Traditional Cultural Properties regarding governmental action which significantly affects Native Hawaiians, religious and cultural practices of the indigenous peoples of Hawai`i. The change in management, status as a national landmark, governmental action on the mauna, requires federal consultation with native Hawaiians and NHOs before the action is taken. This consultation is not specifically tied to a State Environmental Impact Statement (EIS) and/or Cultural Impact Statement (CIS), rather, tied to the mauna in its entirety as a



HB2024 HD1
RELATING TO MAUNA KEA
Senate Committee on Higher Education

Traditional Cultural Property. The term “Traditional Cultural Property” (TCP) is used by the National Park Services (NPS) Bulletin 38, entitled “Guidelines for Evaluating and Documenting Traditional Cultural Properties.” The identification of those historic properties that are of traditional religious and cultural significance to a Native Hawaiian organizations must be made.

OHA as Collaborative Steward. OHA reiterates that during the MKWG convenings, particularly when discussions occurred regarding various governance models, OHA suggested a governance model in which OHA could function as a collaborative steward with state entities that have kuleana for the management of lands, water, cultural and natural resources, academic and scientific pursuits, and most importantly, our Lāhui. Although, ultimately, the suggested governance model did not advance, and **was not included** in the final report recommendations, OHA maintains that a collaborative stewardship model should be considered by the State more seriously given the many public and private interests and the powers and responsibilities that the bill envisions for the MWSA. The effective date of the measure to July 1, 3000, to encourage further discussion, should include further consideration and discussion regarding collaborative steward models.

The Office of Hawaiian Affairs. Established by our state’s Constitution,² the Office of Hawaiian Affairs (“OHA”) is a semi-autonomous agency of the State of Hawai’i mandated to better the conditions of Native Hawaiians. Guided by a board of nine publicly elected trustees (“Trustees”), all of whom are currently Native Hawaiian, OHA fulfills its mandate through advocacy, research, community engagement, land management, and the funding of community programs. Hawai’i state law recognizes OHA as the principal public agency in the state responsible for the performance, development, and coordination of programs and activities relating to Native Hawaiians.³ Furthermore, state law directs OHA to advocate on behalf of Native Hawaiians;⁴ to advise and inform federal officials about Native Hawaiian programs; and to coordinate activities relating to Native Hawaiians.⁵

Mahalo for the opportunity to comment on this measure, highlighting areas of concern, opposition, opportunity and collaboration.

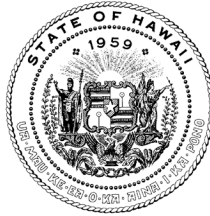
² HAW. CONST., art. XII, §5 (1978).

³ Haw. Rev. Stat. § 10-3(3).

⁴ Haw. Rev. Stat. § 10-3(4).

⁵ Haw. Rev. Stat. § 10-6(a)(4).

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
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SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
SUZANNE D. CASE
Chairperson

Before the Senate Committee on
HIGHER EDUCATION

Tuesday, March 22, 2022
3:00 p.m.

State Capitol, Conference Room 229 & Videoconference

In consideration of
HOUSE BILL 2024 HOUSE DRAFT 1
RELATING TO MAUNA KEA

House Bill 2024, House Draft 1 proposes to: 1) Establish the Mauna a Wākea Stewardship Authority (Authority) as the sole authority for management of state-managed lands on Mauna Kea; 2) Require the Authority to develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship, education; research, disposition; and overall operations; 3) Require the Authority to develop a framework to limit astronomy development on Mauna Kea; 4) Allow the Authority to prohibit certain commercial uses and activities on Mauna Kea; 5) Require an application and fee for all recreational users of Mauna Kea; 6) Establish the Mauna a Wākea Management Special Fund, and 7) Repeal the Mauna Kea Lands Management Special Fund. **The Department of Land and Natural Resources (Department) finds that there is already a strong management framework in place for the management of lands on Mauna Kea, and respectfully opposes this measure.**

The Department does not concur with the statement in Section 1 paragraph 1 of the Bill that Mauna Kea represents *a rigid dichotomy between culture and science*, nor the proposition in paragraph two that there is “mismanagement” that needs to be reconciled. We would like to offer the House committees the following information for background and context:

Jurisdiction

The proposed Mauna a Wākea Authority (Authority) *would have jurisdiction over Mauna a Wākea lands that are state-managed lands above the 6500-elevation line, inclusive of Pu‘u Huluhulu, to the summit of Mauna a Wākea.*

The Department managed areas in the summit region and upper slopes of Maunakea are the Mauna Kea Natural Area Reserve and the Mauna Kea Forest Reserve. The University of Hawai‘i (UH) managed areas are the Maunakea Science Reserve, the Halepōhaku Midlevel Facilities, and the Maunakea Access Road between Halepōhaku and the summit.

Mauna Kea Forest Reserve: The Forest Reserve encompasses 52,500 acres and is under the jurisdiction of DLNR’s Division of Forestry and Wildlife (DOFAW). The māmane forest here is critical habitat for the federally listed palila.

Mauna Kea Ice Age Natural Area Reserve: The 2,033-acre reserve was created in 1981. It is managed by DOFAW’s Natural Area Reserve System. Among its unique geological and cultural features are the Keanakakoi adze quarry, Lake Waiiau, and Pu‘u Pōhaku. The Mauna Kea NAR is bounded by the Science Reserve and the Mauna Kea Forest Reserve.

The Maunakea Science Reserve is an 11,288-acre State-owned site leased by the University of Hawai‘i under General Lease S-4191, with day-to-day management delegated by the Board of Regents to the Center for Maunakea Stewardship (CMS).

The Maunakea Science Reserve contains the 525-acre Astronomy Precinct, most land within a 2.5-mile radius of the site of the UH 2.2-m telescope – in effect, all land above 3700 meters (12,139 feet) in elevation except for a pie-shaped wedge set aside as the Mauna Kea Ice Age Natural Reserve.

The Maunakea Science Reserve contains most of the natural and cultural resources on Mauna Kea; most of it contains no astronomy, road, or building improvements.

Halepōhaku is a 19.3-acre State-owned parcel below the summit region at 9,300 feet elevation leased to UH through 2041 under General Lease No. S-5529, which describes the character of use as “premises leased to be used solely for permanent mid-level facilities, a construction camp, an information station as well as existing facilities purposes.” It is the site of the Onizuka Center for International Astronomy (Halepōhaku Mid-Level Facilities).

The portions of the **Summit Access Road** that extend from Halepōhaku to the boundary of the Science Reserve is also under UH management. This includes a 400-yard corridor on either side of the road, excluding those areas within the adjacent Mauna Kea Ice Age Natural Area Reserve.

The lower slopes of Maunakea also contain lands managed by or under the jurisdiction of the Department of Hawaiian Home Lands, the U.S. Army (Pōhakuloa Training Area) at 6,200 feet in elevation, and the U.S. Fish and Wildlife Service (Hakalau Forest National Wildlife Refuge) at 6,600 feet highest elevation. The County of Hawai'i maintains the Access Road below Halepōhaku to the Saddle Road (DKI Highway) (6,765 feet in elevation at Humu'ula Saddle).

The Department notes that the lease for the Maunakea Science Reserve expires on December 31, 2033. Discussions have begun for a new land authorization; the current preferred alternative is to issue a new land authorization for a reduced area including the astronomy precinct access road and Halepōhaku, effectively withdrawing 10,000 acres from the science reserve and returning them to Department management.

The Ige Administration is in active discussions about withdrawing the unimproved 10,000 acres from the UH Science Reserve lease and returning it to DLNR.

Management

The Bill states that the Authority shall have a transition period of three years after the effective date of this Act to assume management of its designated Maunaa Wākea lands, and the authority shall develop a single plan that dictates the management of land uses, human activities, uses, and access, including permitted uses for frequent and seasonal users; stewardship; education; research; disposition; and overall operations.

Department Management

The Department's multi-faceted management responsibilities are shared by six primary divisions and offices in collaboration with UH:

DOFAW manages the Mauna Kea Forest Reserve, as well as outdoor recreation programs, trail and access systems, and the hunting program.

The Land Division is charged with the management and enforcement of leases, permits, executive orders, and other encumbrances.

The Office of Conservation and Coastal Lands (OCCL) is responsible for the permitting and regulating of land uses in the Conservation District. Conservation District Use Applications are processed by OCCL, although the Board of Land and Natural Resources has the final authority to modify, grant, or deny permits. OCCL is also responsible for investigating potential land use violations and permit violations.

The State Historic Preservation Division (SHPD) is charged with preserving and protecting historically and culturally significant properties as outlined in the National Historic Preservation Act, the Statewide Historic Preservation Plan, and Chapter 6E of the Hawai'i Revised Statutes. SHPD-managed programs include: Statewide Inventory of Historic Properties, Burial Sites Program, Certified Local Government Program, National Main Street Program, Historic Preserves Program, Information and Education Program, Interagency Archaeological Services,

and maintenance of the Hawai'i and National Register of Historic Places. SHPD also reviews proposed development projects to ensure minimal effects of change on historic and cultural assets.

The Hawai'i Island Burial Council (HBC) falls under the jurisdiction of SHPD, and is responsible for the management of all human remains over fifty years old. Burial protection plans and burial treatment plans on Maunakea are required to be done in consultation with the HBC.

The Division of Conservation and Resource Enforcement (DCOARE) is responsible for enforcing all laws and rules that apply to lands that are managed by DLNR. Pursuant to Act 226 Session Laws of Hawai'i 1981, DCOARE's enforcement officers have full police powers to execute all state laws and rules within all state lands.

UH Management

In August 2020 the UH Board of Regents approved an internal reorganization of the management structure for UH-managed lands. The UH management structure encompasses:

The Center for Maunakea Stewardship (CMS), which is the lead organization for the management of UH-managed lands on Maunakea. It is responsible for the strategic implementation of stewardship programs, planning, permitting, compliance oversight, outreach, and research and academic coordination, as well as for fiscal planning and management. CMS will report directly to the Chancellor.

Stewardship Programs oversees the operations of the stewardship and support service operations, including Maunakea Observatories Support Services (MKSS), cultural and natural resource programs, the Ranger program, and permitting and compliance.

Cultural, community, and stakeholder advisory groups are integrated into strategic planning and policy discussion. These include:

The Maunakea Management Board, a body comprised of seven members of the community who are nominated by the UH Hilo Chancellor and approved by the UH Board of Regents.

The Kahu Kū Mauna Council advises the Board and Chancellor on cultural matters and issues.

The Maunakea Observatories Partners Group was established to provide input into decisions made by the University.

The University's **Institute for Astronomy (IfA)** takes the lead in coordinating scientific cooperation and partnerships. **The `Imiloa Astronomy Center** now takes the lead in cultural-based education.

The Board of Land and Natural Resources approved a Comprehensive Management Plan (CMP) for UH-managed lands on Mauna Kea on April 9, 2009. The CMP included management actions of previous management documents, including the 1995 Management Plan for UH Management Areas and the 2000 Mauna Kea Master Plan.

The CMP provides a framework and management guidelines ranging from the preservation of cultural and natural resource to the management of the built environment, construction activities, and access to outreach and education.

The Maunakea CMP contains 106 management actions and associated reporting requirements. Four Resource subplans were approved by BLNR on March 25, 2010: the *Natural Resources Management Plan*; *Cultural Resource Management Plan*; *Public Access Plan*; and the *Decommissioning Plan*.

Audit Issues Addressed

The Department notes that a 1998 audit by the State Office of the Auditor found significant deficiencies in the management of Mauna Kea by both the Department and UH. Specifically, the audit found that the University appeared to place a higher value on developing observatories than on protecting Mauna Kea's natural and cultural resources, and that the Department was not engaged in effective monitoring and enforcement of permitting requirements.

A 2005 follow-up audit found that UH's Master Plan and new management structure addressed many of the 1998 concerns but found that the lack of administrative rule-making authority was limiting UH's ability to manage resources. The follow-up also noted that the Department had tightened permit approval conditions, but that the terms of the leases and subleases remained dated. The follow-up also recommended that the Department better monitor the University for permit compliance, and that the Department's divisions better coordinate its efforts to protect Mauna Kea's natural resources.

A second follow-up audit, in 2014, found that UH's CMP and associated subplans addressed many of the previous concerns. The auditor also recognized that contractual terms had prevented the Department and UH from updating existing lease and sublease terms, and that future leases would incorporate the auditor's earlier recommendations. The lack of administrative rules remained a significant concern.

A final follow-up audit, in 2017, noted that the adoption of administrative rules had not yet been implemented. The UH Board of Regents adopted rules on November 6, 2019. Governor David Ige approved and signed the rules in January 2020, and they went into effect on January 23, 2020.

2020 Independent Evaluation of Management

In May 2020 the Department contracted with Ku'iwalu Consulting to conduct an independent evaluation of the UH's compliance with the CMP. The evaluation was intended to provide the Department and the Board of Land and Natural Resources with relevant information, including

community input, into whether Mauna Kea was being effectively managed. Ku'iwalu Consulting submitted its final report on December 2020. The following is taken from the Executive Summary of the report:

The Report consists of three assessments. First, OMKM¹'s self-assessment of their implementation of the CMP. Second, the public's assessment, based upon the comments we received. And third, the independent evaluation utilizing the logic model approach that took into consideration UH's self-assessment, the public input, the timeliness of OMKM's implementation of Management Actions (MA), and whether UH's implementation of the 103 MAs achieved the desired outcomes as set forth in the CMP.

With respect to UH's self-assessment, the *OMKM 2020 Annual Report to the Board of Land and Natural Resources, Status of the Implementation of the Mauna Kea Comprehensive Management Plan* (OMKM 2020 Annual Report to BLNR) essentially concludes that "most management actions have either been implemented or are in progress." For the most part, the UH Management Entities believe they have made considerable progress in effectively implementing the CMP MAs and are, in fact, better managing and protecting the cultural and natural resources.

However, there is a difference of opinion between UH-Hilo Management Entities (UH-Hilo Entities) and the larger UH System with respect to the public's perception of how effective OMKM is in managing the state conservation lands at Mauna Kea. Accordingly, "in response to past criticisms" the UH Board of Regents (BOR) adopted Resolution 19-03 to take timely action to comply with the management plans, including cultural education and community outreach, decommissioning, and reorganization and restructuring the UH governance structure in their management of Mauna Kea.

The public's assessment of how effectively UH has implemented the CMP has primarily varied depending on whether they are in favor or opposition of telescope development on Mauna Kea. Those who support existing and future telescope development on Mauna Kea believe that OMKM has adequately implemented the CMP MAs to preserve and protect the cultural and natural resources on Mauna Kea. For those who do not support continued telescope development on Mauna Kea beyond 2033, the expiration of the existing state lease, they believe that UH continues to mismanage Mauna Kea as concluded in the 1998 State Auditor's Report. In particular, those in opposition believe that UH continues to advocate telescope development over the protection and preservation of the resources.

Finally, the independent evaluation found that OMKM has made progress in implementing most of the CMP MAs, and in many regards OMKM is effectively managing the activities and uses on Mauna Kea to better protect the natural and cultural resources. We heard many comments that the cultural and natural resources on the state conservation lands on Mauna Kea are some of the best managed and protected lands in

¹ The Center for Maunakea Stewardship assumed the duties and responsibilities of OMKM, the Office of Maunakea Management, in 2020.

the entire State. The area is clear of trash, the invasive species are being removed not only by OMKM but volunteer groups, and the OMKM Rangers to ensure public safety on Mauna Kea.

Astronomy development

The Bill proposes that the Authority shall develop a framework to limit astronomy development on Mauna a Wākea through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to control astronomy development on Mauna a Wākea, the authority shall establish a plan to return the mauna above nine thousand two hundred feet elevation to its natural state when ground-based observatories are rendered obsolete due to developments in space-based astronomical technology.

There are currently eleven active observatories in the Maunakea Science Reserve: nine optical/infrared observatories and three radio observatories on the upper summit, Kūkahauʻula, and one radio observatory in the lower summit region. A permit has been issued for one optical / infrared observatory, the Thirty Meter Telescope, for the northern plateau in the Maunakea Science Reserve.

Two telescopes are in the process of being decommissioned. The Board of Land and Natural Resources approved the decommissioning plan for the Caltech Submillimeter Observatory (CSO) in January 2022. Work is scheduled to begin in the summer of 2022 and completed in the fall. Monitoring of the restoration site will continue for three years. The University of Hawaiʻi at Hilo's 0.9-m telescope, Hōkū Keʻa, is also non-operational. The University has filed a Notice of Intent to Decommission this telescope.

The University's Board of Regents approved a new Master Plan, E Ō I Nā Leo, in January 2022. It contains a commitment to a maximum of nine summit astronomy sites by December 31, 2033. It also contains a commitment that "Astronomy Site 13" will be the last new site developed in the Science Reserve. Decommissioning of observatories will include restoring the site to its natural state.

Conclusion

The Department appreciates all the time and effort of the Mauna Kea Working Group in 2021 focused on building bridges through sharing of diverse perspectives.

The Department notes that the resource management plans, administrative rules, and administrative framework outlined above have been developed and refined in the twenty-four years since the 1998 audit. We find that the State-managed lands on Mauna Kea are among the most comprehensively and well-managed in Hawaiʻi, as noted in the Kuiʻwalu Independent Evaluation .

We are concerned that it is not realistic to replace the existing framework with one single plan, under one single Authority, in a manner that will improve management on Mauna Kea. We are

concerned that the management of Mauna Kea's cultural and natural resources and the success of Mauna Kea's locally and globally significant astronomy will suffer as a result. While no doubt well-intentioned, we are concerned that HB2024 may further divide rather than unite our community.

Thank you for the opportunity to comment on this measure.

HB-2024-HD-1

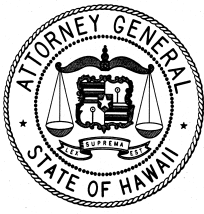
Submitted on: 3/21/2022 10:16:13 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Cain	Testifying for DLNR- OCCL	Oppose	Remotely Via Zoom

Comments:

I am available for questions to DLNR. Please allow me Zoom access.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2024, H.D. 1, RELATING TO MAUNA KEA.

BEFORE THE:

HOUSE COMMITTEE ON HIGHER EDUCATION

DATE: Tuesday, March 22, 2022 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229 and Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Linda L.W. Chow, Deputy Attorney General

Chair Kim and Members of the Committee:

The Department of the Attorney General offers the following comments.

The bill will establish the Mauna a Wākea stewardship authority (authority), placed within the Department of Land and Natural Resources for administrative purposes, to own and manage all state-managed lands on Mauna a Wākea above the 6,500-foot elevation line. The bill will (1) establish a nominating committee for the authority; (2) require the development of a management plan and a framework to limit astronomy development; (3) establish advisory groups, including an astronomy advisory group and a Native Hawaiian advisory group, to advise the authority; (4) allow the authority to prohibit commercial uses and activities on Mauna a Wākea above Hale Pohaku, except for astronomy use and activity; (5) require an application and fee for all recreational users; (6) require all individuals accessing Mauna a Wākea to undergo an annual orientation; (7) require that leases of Mauna a Wākea lands be by public auction and include specific lease provisions and restrictions, including astronomical observatory decommissioning and land restoration costs, and appraisal requirements; (8) allow leases to eleemosynary organizations, state and federal agencies, and foreign governments by direct negotiation; (9) authorize the authority to do rulemaking; (10) establish the Mauna a Wākea management special fund; (11) authorize the periodic issuance of bonds; (12) amend the definition of "public lands"; and (13) repeal the Mauna Kea lands management special fund.

We have several suggested recommendations to clarify provisions in the bill.

The title of bill is "Relating to Mauna Kea." In H.D. 1, all references to "Mauna Kea" in the new chapter were changed to "Mauna a Wākea." Article III, section 14, of the Hawaii Constitution states, in relevant part, "[e]ach law shall embrace but one subject, which shall be expressed in its title." It is not clear at the outset that "Mauna Kea" is the same as "Mauna a Wākea." If they are not the same, then the bill has a constitutional problem with its title. If they are the same, then section 1 of the bill should explain that "Mauna Kea" and "Mauna a Wākea" are both acknowledged names for "Mauna Kea."

Section -2(b) of the new chapter, on page 7, lines 4-7, also states that "four of the seven non-ex officio members of the authority shall be Native Hawaiian residents of the county of Hawaii, with a preference for Native Hawaiian residents of the county of Hawaii for all seven non-ex officio members." This Native Hawaiian race requirement might subject the bill to a constitutional challenge.

The Fourteenth Amendment to the United States Constitution provides, in relevant part, that, "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. 14, § 2. The Equal Protection Clause seeks to ensure that "all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Center*, 473 U.S. 432, 439, 105 S. Ct. 3249, 87 L. Ed. 2d 313 (1985). Statutes that classify on the basis of "race, alienage, or national origin" (suspect categories) and that "impinge on personal rights protected by the Constitution" are subject to strict scrutiny and will be upheld only if they "are suitably tailored to serve a compelling state interest." *Id.*

In order to survive a constitutional challenge, there needs to be a clear explanation as to why the legislature believes a race-based distinction is needed for certain members of the authority. In the alternative, the race requirement can be replaced with a knowledge or experience requirement that will serve the same purpose without running afoul of the Constitution. We recommend that section -2(b)(8)

through (10) and the proviso immediately following paragraph (10), on page 6, line 5, through page 7, line 7, be amended to require membership based on knowledge or experience instead of race.

Section -4(b)(9) of the new chapter, on page 15, lines 11-13, of the bill, requires the authority to consider "various supplemental revenue sources to be deposited into the Mauna a Wākea management special fund pursuant to section -14[.]" The reference to section -14 should be to section -23, on page 27, line 18, which is the correct citation to the Mauna a Wākea management special fund. The bill refers to "[r]enegotiated lease terms and fees" as one possible revenue source, on page 15, line 15. Revenues from new leases should also be included in the list of revenue sources since the bill contemplates future leases of Mauna a Wākea lands. See section -15, on page 30, lines 3-12.

Section -13 of the new chapter, on page 22, line 6, through page 29, line 3, of the bill, is copied from section 171-35, Hawaii Revised Statutes (HRS), which lists restrictions applicable to the lease of public lands. We offer the following revisions to this section.

1. Section -13(a)(5), on page 22, lines 17-18, provides for transfer or assignment of the lease by "devise, bequest, or intestate succession." The terms "devise" and "bequest" describe a gift in a will and "intestate succession" is a succession without a will. These terms do not appear relevant to Mauna a Wākea leases. The rest of the paragraph addresses assignment of leases, which is applicable to Mauna a Wākea leases. We, therefore, recommend deleting the beginning of section -13(a)(5) and starting at, "[W]ith the approval of the authority, the assignment and transfer of a lease or unit thereof may be made in accordance with current industry standards, . . ." on page 22, lines 19-21.

2. Section -13(b) and (c), on page 24, line 15, through page 26, line 17, apply to "intensive agriculture, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease[s]." Section -13(d), on page 26, line 18, through page 27, line 12, applies to "intensive agriculture, aquaculture, or mariculture lease[s]." Section -13(e) and (f), on page 27, line 13, through page 29, line 3, apply to "agriculture,

intensive agriculture, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease[s]." These uses may not be consistent with Mauna a Wākea lands, which are lands located above the 6,500-foot elevation line. Page 17, line 20, to page 21, line 2. Nor do they appear consistent with section 171-11(a), on page 20, lines 3-8, which states that, "[t]he authority may prohibit commercial use and activities, except for astronomy use and activities, above Hale Pohaku and adopt rules to designate areas for permissible use; provided that the authority's rules shall define 'commercial use'." A clear statement of the permissible uses of Mauna a Wākea lands will avoid future confusion as to this legislature's intent. We recommend section 171-13(b) – (f) be amended to reflect those uses.

Section 171-15 of the new chapter, on page 30, lines 4-6, states that "all disposition of lands to which the authority holds title shall be made at public auction after public notice as provided in section 171-16." In addition to notices of public auction, section 171-16, HRS, also addresses drawings, negotiations, and exchanges, quitclaims, submerged land, and reclaimed land. If the only part of section 171-16 that is relevant to the bill is the public auction notice provision, then the bill should be amended to state "as provided in section 171-16(a) and (e)."

Section 171-23(a)(2) of the new chapter, on page 38, lines 1-2, states that moneys from supplemental sources pursuant to section 171-4(b)(10), shall be deposited into the Mauna a Wākea management special fund. The reference to section 171-4(b)(10) should be changed to section 171-4(b)(9), on page 15, line 11, through page 16, line 2, which is the correct reference to the list of supplemental funding sources.

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON HIGHER EDUCATION
ON
HOUSE BILL NO. 2024, H.D. 1

March 22, 2022
3:00 p.m.
Room 229 and Videoconference

RELATING TO MAUNA KEA

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 2024, H.D. 1: establishes the Mauna a Wakea Stewardship Authority as the sole authority for the management of State-managed lands on Mauna a Wakea; creates the Mauna a Wakea Management Special Fund that would generate revenues through legislative appropriations, moneys from supplemental sources, grants, donations, and earned interest; authorizes the Director of Finance to issue an unspecified amount of general obligation bonds; repeals the Mauna Kea Lands Management Special Fund; and appropriates an unspecified amount of general funds for FY 23 for startup costs for the Mauna a Wakea Stewardship Authority.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and

charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 2024, H.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

In addition, B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

March 21, 2022

Re: Opposition to House Bill 2024: Relating to Mauna Kea.

Dear Chair Kim and the Senate Committee on Higher Education,

The Kona-Kohala Chamber of Commerce strives to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. With 425 member businesses and organizations, we exist to provide leadership and advocacy for a successful business environment in West Hawai'i.

The Kona-Kohala Chamber of Commerce strongly opposes House Bill 2024.

More specifically, we oppose establishing the Mauna Kea stewardship authority as the sole authority for the management of state-managed lands on Maunakea. We believe the University of Hawai'i is by far the best option for a management structure on Maunakea. UH understands that it must protect Maunakea's value as a culturally significant landscape as well as a premier location for astronomy. With entities in place such as the Center for Maunakea Stewardship, 'Imiloa Astronomy Center and the Institute for Astronomy, the University of Hawai'i has broad resources, vast knowledge and a steadfast commitment to provide the best possible management under very complex circumstances.

We ask that legislators please consider the immense negative impacts of HB 2024.

The lease renewal of 2033 is an urgent matter and lease negotiations with the observatories must be addressed. The transition to a new management authority will be cumbersome and take time. We are very concerned that this timeline is far too short for the lease negotiations for the observatories and the consequences will be dire. We fear that Hawai'i's astronomy industry will be lost if HB 2024 turns into law.

Hawai'i's astronomy sector provides needed economic diversity. Recently, the University of Hawai'i Economic Research Organization (UHERO) published the executive summary of a 2019 update to their study, "The Economic Impact of Astronomy in Hawai'i." They report that local astronomy related expenditures in the state total \$110 million with \$57 million spent in Hawai'i County. The total impact on the output of goods and services in the state is \$220 million. Statewide the industry supports 1,313 jobs and 611 are on Hawai'i Island. They conclude that astronomy continues to be a sizable and stabilizing source of economic activity for our state.

Maunakea is one of the best locations in the world to study the stars. Significant scientific research is conducted at Maunakea observatories including worldwide joint projects such as capturing the first image of the black hole called *Powehi*. Hawai'i's clear nighttime skies not only benefit those in Hawai'i but all of humankind.

It makes us extremely sad to think about the loss of opportunity for Hawai'i's future generations. The astronomy industry funds initiatives and offer programs that greatly enhance STEM education and workforce development for Hawai'i's 21st century jobs and careers. For example,

the Mauna Kea Scholars Program competitively allocates observing time on world-class telescopes for local high school students. The Akamai Internship Program offers college students from Hawai'i an opportunity to gain summer work experience at observatories and other science or technical related companies. To date, this program has provided 451 internships since 2003.

Lastly, Hawai'i's local, national and international reputation as a place to do business will be undermined as a result of this transition of authority. Producing so much uncertainty at this level will create cascading negative impacts for Hawai'i's future.

We ask that legislators vote NO on HB 2024.

Sincerely,



Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce



21 March 2022

HB 2024 Relating to Mauna Kea

22 March 2022 3:00 p.m.

Conference Room 229

Senate Committee on Higher Education

Aloha Chair Kim, Vice Chair Kidani, and Members of the Committee;

My name is Jacqui Hoover and I have the privilege of serving as Executive Director and Chief Operating Officer for the Hawaii Island Economic Development Board (HIEDB), a member-based private sector 501(c)3 incorporated in 1984 committed to economic development that supports and benefits our community by nurturing sustainable growth and development in balance with the diverse and unique resources of our island home and with respect for our Native Hawaiian culture and values.

As the Senate Committee on Higher Education considers HB 2024, we humbly request that the following be considered.

Recently the University of Hawaii Economic Research Organization (UHERO) released its updated report on the Economic Impact of Astronomy in Hawaii in which the industry's total economic impact of \$221 million in 2019 was revealed. Moreover, 611 jobs on Hawaii Island alone are directly tied to the astronomy sector.

In its management role for Mauna Kea, the University has made great strides to address concerns including and not limited to, being more inclusive and taking corrective actions where management policies and/or implementation have fallen short of the comprehensive stewardship desired and expected.

This contrasts with the exclusion that is built into HB 2024 wherein while correctly taking steps to include Native Hawaiian voices and representation on the proposed new managing entity, others including and not limited to, representation from the astronomy sector are excluded. While there are other strategies that came from the Mauna Kea Working Group report that we hope the University will integrate into its management of Mauna Kea, HB 2024 does not reflect the comprehensive management needed.

HIEDB strongly supports retaining the University of Hawaii in its management role for Mauna Kea and strongly opposes HB 2024 and its ill-conceived proposal to establish a new management authority. Mahalo for the opportunity to speak on this matter.

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Mail: 67-1185 Mamalahoa Hwy, Unit D104 #353, Kamuela, HI 96743

E-mail: hiedb@hiedb.org Website: www.hiedb.org



To:
Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice-Chair
Committee on Higher Education

From: Maunakea Observatories

Subject: HB2024 HD1 Relating to Mauna Kea – Comments

March 22, 2022; 3:00 p.m.; Via Videoconference

Aloha Chair Mercado Kim, Vice Chair Kidani, and Members of the Committee on Higher Education,

The undersigned Maunakea Observatories (MKO) directors appreciate this opportunity to offer comments on HB2024 HD1 that establishes a Maunakea stewardship authority.

We strongly believe there is a vibrant and sustainable future for astronomy on Maunakea - a future based on a community model of astronomy in which relationships and partnerships between the community and astronomy thrive, upheld by the values of respect, collaboration, and inclusion.

The observatories are permitted by the state to conduct activities on Maunakea lands - public lands that are important to multiple stakeholders and of great cultural importance to the Hawaiian community. We are grateful for our privilege of observing the universe on Maunakea. We recognize the state decides how Maunakea lands should be used and managed and we want to convey what is most important to MKO no matter which model of governance and management of Maunakea is decided upon.

Should HB2024 move forward, we respectfully ask for amendments to support the vibrant community model of astronomy we believe in.

MKO's most essential need is a clear path to obtaining new land authorizations beyond 2033.

Most of the existing observatories seek to continue their scientific missions on Maunakea beyond the ending of the current leases in 2033, subject to astronomy limitations imposed by the state.

The MKOs are a collaboration of nonprofit, independent institutions supported by national and international partners and research institutions. Having a clear path to new land authorizations beyond 2033 gives our partners confidence in a viable future for astronomy on Maunakea and allows them to plan for long-term funding of our efforts. These funders have injected billions of dollars into the Hawai'i economy over the 50+ year history of astronomy on Maunakea. Today, astronomy in Hawai'i has a total

economic impact to the state of approximately \$220M annually and generates approximately 1,300 jobs statewide. In addition to economic benefits, the observatories provide significant STEM education and workforce development opportunities, and we are integral, contributing members of our local communities.

Facility upgrades, investments in new instrumentation to keep our technology at the forefront of research, and long-term planning for our operations all critically depend on knowing we have a path to new land authorizations.

Should the legislature adopt HB2024 and create a new Mauna a Wākea Stewardship Authority, it is essential the authority provide a reasonable process and timeline for granting new land authorizations to existing observatories that fit within imposed limitations without triggering time-limit-driven decommissioning requirements under the existing subleases.

We respectfully ask that section -14 be amended to add a provision to the effect of: "*(d) The authority shall develop a process and timeline for new astronomical observatory leases that does not trigger decommissioning requirements under the provisions of the existing subleases with the University of Hawaii.*"

A 3-year transition to the new authority is insufficient. We believe at least 5 years is necessary.

If the state transfers governance and management of Maunakea to a new stewardship authority through passage of HB2024, there needs to be sufficient time to develop a new plan for land-use and management on Maunakea. This plan requires careful thought by multiple stakeholders about highly complex issues.

Furthermore, the operational transition to the new stewardship authority must be carefully and transparently implemented so that all stakeholders understand what is expected and observatory operations are not subjected to unnecessary disruption due to the transition.

We respectfully ask that section -5(a) be amended as follows: "The authority shall have a transition period of ~~three~~ **five** years after the effective date of this Act to assume management..."

We seek assurance that MKO's share of stewardship costs will be equitable and financially sustainable.

The establishment of a new entity must include comprehensive analysis and planning for determining costs and funding for the new stewardship authority. We commit to joining other stakeholders in the collective financial support of the new stewardship authority as long as it is equitable, feasible, and financially sustainable.

We respectfully ask that section -5(b) be amended to add: "*(7) develop a financial plan for the authority that is equitable to all stakeholders and financially sustainable.*"

We seek strong collaboration between the community and astronomy in the stewardship of Maunakea.

MKO strongly supports Native Hawaiian and local community involvement in governance and management to ensure the mutual interests of the community, astronomy, and the state of Hawai'i are met.

We believe that deep knowledge of Hawai'i astronomy is essential to inform the authority's board-level strategic decisions, and the MKOs seek to be a collaborative partner in informing those decisions. We believe this would best be served by an astronomy seat on the board, but at minimum we seek meaningful input and consultation at the board executive level for matters concerning astronomy.

We respectfully ask that section -9(a) be amended as follows: "...the authority shall establish an astronomy advisory group and native Hawaiian advisory group...to provide advice and guidance to the authority, **(add) including on board-level strategic decisions**, on their respective subject matters."

Thank you for your consideration of our comments and requested amendments. We welcome the opportunity to work with you on this important issue.

Mahalo,



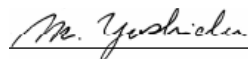
Director Hilton Lewis, W. M. Keck Observatory (Keck I and Keck II)



Interim Director Andy Sheinis, Canada-France-Hawaii Telescope



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



Director Michitoshi Yoshida, Subaru Telescope

TESTIMONY IN SUPPORT OF
HB 2024, RELATING TO MAUNA KEA
Saturday, February 19, 2022

from
‘Āina Aloha Economic Futures Initiative
Dr. Kamanamaikalani Beamer

Honorable Chairperson Donna Mercado Kim, Vice Chair Michelle Kidani and members of the Higher Education Committee

Aloha kākou,

Please accept this testimony in support of HB 2024, HD1 Relating to Mauna Kea on behalf of the ‘Āina Aloha Economic Futures Initiative, a hui of Native Hawaiian community members, scholars and business persons “committed to bringing to life a resilient economy through our core value of ‘āina aloha – a deep and abiding love for Hawai‘i’s communities and natural environments”. (www.ainaalohafutures.com)

We support the Mauna Kea Working Group’s initiative to develop a new entity that will steward and care for Mauna a Wākea from the 6,500 ft elevation to the summit area. The Mauna a Wākea Stewardship Authority will be comprised of a 10 member board which includes government agency representation, subject matter expertise and importantly, positions designated for a Native Hawaiian lineal descendant, a Native Hawaiian cultural practitioner and a Native Hawaiian expert in Hawaiian traditional and customary practices.

Importantly, the authority is provided a Hawaiian cultural foundation, a set of natural environmental laws or kānāwai as well as guiding values and principles which provide a framework for planning and decision-making. These values include:

- Mauna Aloha – understanding the reciprocal value of the mauna and a long-term commitment to maintaining the integrity of Mauna a Wākea;
- ‘Ōpu Kupuna – understanding and embracing a duty and accountability to Mauna a Wākea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna; and
- Holomua ‘Oi Kelakela – driven by creativity and innovation, constantly challenging the status quo, with a stewardship of Mauna a Wākea that is informed based on existing knowledge and traditions, as well as on new and expanding knowledge. Being mindful and observant of needs, trends and opportunities and seeking new knowledge and opportunities in ways that enhance the ability to serve a steward without jeopardizing the foundation of ‘āina aloha.

These values are adapted from the AAEF initiative and are most appropriate in guiding the new entity toward success.

Establishing a new authority to steward Mauna a Wākea is undoubtedly a huge challenge. After more than 50 years of mismanagement under the UH’s care, there is a lot of relationship

building with the Hawai'i Island and larger community which must be addressed and repaired. Placing the mauna in the center of the effort will provide the catalyst for new stewardship and relationship building to be successful.

There is a significant need for Hawaiian cultural governance and balance on Mauna Kea and this body would help to achieve that balance. Furthermore, our Hawaii State Constitution Article XII, Section 7 states: "The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Having Native Hawaiians who are lineal descendants of Hawaiian practitioners and are practitioners of traditional and customary Native Hawaiian beliefs, customs and practices serve on the stewardship authority for Mauna A Wākea is clearly fair and justified. Additionally ACT 195 passed by the Hawai'i state legislature in 2015 formally recognized the Native Hawaiian people as the only indigenous, aboriginal, maoli people of Hawai'i. This proposed bill would be consistent with these significant actions of the legislature.

We urge you to pass this bill out of committee.

Mahalo nui.

TESTIMONY IN SUPPORT OF
HB 2024, HD 1 RELATING TO MAUNA KEA
Dr. Noe Noe Wong-Wilson
March 22, 2022

Honorable Chairperson Donna Mercado Kim, Vice Chair Michelle Kidani and members of the Higher Education Committee,

Aloha kākou,

Please accept this testimony in support of HB 2024, HD1 Relating to Mauna Kea with suggested amendments which are highlighted below.

I am from Hilo, Hawai'i, retired from Hawai'i Community College as an Assistant Professor of Hawaiian Studies and Coordinator of the Hālaulani Native Hawaiian Student Success Program. I am also President of the Hawaiian Civic Club of Hilo, Director of Moku O Keawe Council, a founding co-author of 'Āina Aloha Economic Futures and Executive Director of Lālākea Foundation. I served as a member of the Mauna Kea Working Group.

The Mauna Kea Working Group was comprised of 15 members including 7 Native Hawaiian members who were nominated by Native Hawaiian community organizations. The 15 members represented a wide variety of interests related to the mauna including 4 members of the House of Representatives, a member representing the Astronomy Observatories, a member from UH BOR, a representative from OHA and one from the Department of Land and Natural Resources. After a series of long discussions, we agreed to conduct ourselves using Hawaiian cultural principles which guided us with respect and aloha for each other through challenging and sometimes sensitive and emotional discourse. After a little more than 5 months, we were able to submit our report to the legislature as directed by HR33, HD1, 2021 Session which resulted in HB 2024.

This bill establishes a new agency to take care of Mauna Kea, also known respectfully as Mauna A Wākea which reflects its creation and genealogy.

The report intends to establish Hawaiian natural laws called kānāwai as the foundational principles which guide the care of the mauna.

These kānāwai include:

Ho'okikī Kānāwai - the edict of continuum; the cycles that balance and regulate our environment, inclusive of the hydrologic cycle, carbon cycle, nitrogen cycle, and rock cycle. It is imperative that these cycles are maintained for any disturbance throws the environment out of balance and wreaks havoc on livelihoods and communities.

Kua'ā Kānāwai - the edict of emergency; the cycles of our environment, replete with natural phenomena and elemental activity, provide warnings that forecast an impending disaster, such

as earthquakes that may trigger an eruption or tsunami, the receding ocean that exposes the sea floor, distant thunder and rising water levels in rivers portending flash flooding, high surf that results in strong currents and dangerous shorebreaks, freezing temperatures and blizzard conditions. Elemental activity, and their potential hazards, should dictate our actions and our responses. Ignoring these hazards may lead to injury and death.

Kai'okia Kānāwai - the edict of boundaries; natural boundaries and pathways are delineated by lava flows, rivers, valleys, ocean, shoreline, land, sky and forest, kū and hina or vertical and horizontal divisions of air, ocean and earth. Traditionally, land deemed safe for residential and commercial activity were zoned as wao kanaka, where man could live and work. Other lands were set aside and zoned as wao akua, where human activity was kept to a minimum, either for safety from elemental activity or to keep the area pristine to maintain our natural resources.

Kīho'iho'i Kānāwai - the edict of regeneration; when natural disaster or human activity changes the landscape, the land needs time to regenerate and reestablish its natural cycles. In the case of natural disasters, ecosystems can respond to restore balance in short order. Our ancestors understood this and recorded these phenomena in the Kumulipo, 'o ke akua ke komo, 'a'oe komo kanaka. In the case of human disturbances, however, the capacity of natural systems to adjust depends on the nature of the system, the scope, scale, and duration of the activity, as well as the nature of its byproducts. Ecosystems with severe human disturbance often take longer to regain its balance, necessitating sustainable human intervention.

The bill also includes three Hawaiian values and principles which are adapted for the mauna and, along with the kānāwai, create a strong foundation from which the mauna should be stewarded. These include:

Mauna Aloha – understanding the reciprocal value of the mauna and a long-term commitment to maintaining the integrity of Mauna a Wākea;

'Ōpū Kupuna – understanding and embracing a duty and accountability to Mauna a Wākea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna, and

Holomua 'Oī Kelakela – driven by creativity and innovation, constantly challenging the status quo, with a stewardship of Mauna a Wākea that is informed based on existing knowledge and traditions, as well as on new and expanding knowledge.

The H.D.1 establishes a ten (10) member authority headquartered on Hawai'i Island with three (3) ex-officio voting members from DLNR, OHA and UH and seven (7) members with specific expertise and qualifications.

Please consider designating the Chancellor of UH Hilo as the University of Hawai'i's representative on this authority. Under the current management system, the UH Hilo

Chancellor has ultimate responsibility for the university's role in managing the mauna. This office would be a more appropriate representative.

A nominating process is comprised of two separate committees who will provide a short list of names to the Governor for selection. A public notice process is prescribed to encourage community input and participation in the selection of authority members. A minimum of four (4) non ex-officio members shall be Native Hawaiian Hawai'i County residents with a preference for all non ex-officio members to be Native Hawaiian Hawai'i County residents.

Importantly, the authority will have jurisdiction over State of Hawai'i controlled lands from Pu'u Huluhulu, approximately 6,500 ft. Elevation to and including the summit region. These lands will transfer from the Department of Land and Natural Resources to the new authority. The authority is further directed to enter into cooperative agreements with the Department of Hawaiian Homelands as well as any other landowner which fall within the 6,500 ft. Elevation boundary. This is a significant change in the current management scenario which will allow for the authority to manage the mauna according to the environmental needs and conditions of the natural region rather than through agency and man-made boundaries.

A transition period of three years is provided for the new authority to become functional. **It is important, however, to add a restriction on any new or extended leases to be granted or established for astronomy facilities on Mauna A Wākea during this transition until the new authority has the ability to establish their management plan and consider the astronomy development framework which is included in this legislation.** This section also directs the authority to establish a plan to return the mauna above the 9,200 ft. Level, above Hale Pōhaku, to its natural state. It is a planning scenario which should take into account the lifespan of existing facilities and potential development of new technologies which are superior to land-based observation which has been the practice for the last 50+ years. The authority is directed to develop a plan to manage land use, human activities, uses and access, including permitted uses for frequent and seasonal users, stewardship; education; research, disposition; and overall operations. Plans are to be updated every 10 year, consider the State's energy and sustainability goals, including climate change impacts, incorporate indigenous management and cultural practices and values, and include an aspirational statement to acknowledge and contextualize unresolved social justice issues that underpin Mauna Kea.

This plan includes support for the existing astronomy facilities to continue their work for the reasonable lifespan of their technology and meaningful contribution to science. Astronomy and Native Hawaiian Culture advisory groups will be established to provide advice and guidance to the authority. Modeled after the Papahānaumokuākea governing entity, this authority has the ability to establish other working groups as needed.

There is a provision that the lands under the jurisdiction of the authority will be held in trust as part of the public land trust and transferred to a sovereign Native Hawaiian entity upon its establishment. This language mirrors the language in the Kaho'olawe Island Reserve Commission Act.

There is a section on Access and Use; restrictions; orientation; entryway which provides direction for the authority to govern commercial activities and human uses on the mauna which are currently uncontrolled. Ecological and cultural values of the mauna are key elements for education and orientation for visitors and users of Mauna a Wākea.

Finally, there is a section on Lease provisions and decommissioning costs for astronomical observatories to ensure that these facilities will plan for and finance these costs.

The Mauna Kea - Mauna A Wākea Stewardship Authority legislation will establish a new paradigm for managing and caring for our Wahi Pana, significant cultural, historic and ecologically important places in Hawai'i based on Hawaiian cultural values and principles. Also of importance is the need for Native Hawaiian and community participation in the formation and ongoing oversight of these entities and these special places. It is our legacy and our kuleana, received from our kupuna and passed down to our generations to come.

It is always a challenge to establish a new entity with such a large kuleana as outlined in this proposed bill. However, the current management scenario has created such a division in our community over the care of Mauna a Wākea that the wounds are deep, painful and multi-generational. The status quo cannot remain in place. There are skilled and talented individuals in the community who are qualified and ready to take on this challenge to serve on such an authority.

Your support of this effort to provide better stewardship of Mauna a Wākea, our beloved mauna is important and greatly appreciated.

Mahalo a nui loa.

HB-2024-HD-1

Submitted on: 3/21/2022 2:17:33 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clarence Ching	Testifying for MAUNA KEA HUI	Oppose	Written Testimony Only

Comments:

This constitutes TESTIMONY IN OPPOSITION to HB2024 HD1 "RELATING TO MAUNA KEA" - as it relates to myself, CLARENCE "KU" CHING AND the following - MARY MAXINE KAHAULELIO, BILLY FREITAS, CINDY FREITAS, and members of The Mauna Kea Hui, specifically KEALOHA PISCIOTTA (and MAUNA KEA ANAINA HOU), PAUL K. NEVES, and DEBORAH WARD.

While the bill references "Mauna a Wakea," it conjures up a lot of emotion for Mauna Kea and the Lahui (Hawaiian Nation) - if the Bill becomes law, its actual outcome may NOT be as it seems!

While the latest HB2024 HD1 draft appears on its face to be a very pro-Hawaiian and pro-Mauna Kea activity, there are major issues that are hidden between its lines! For example, in its present iteration, while the main impetus is touted as being pro-Hawaiian, and a number of Hawaiian "Stewards" is being seated, the process, including (Governor) nominations and appointments of "non-beneficiary" interests (not being beneficiaries), is far from being Hawaiian! (Therefor, a nominator may have it's own special interests in mind, that may NOT necessarily be that of the beneficiary class in common!) So if HB2024 HD1 is enacted, Mauna Kea being a part of the Public Trust, what then will be the Entity that will retain the obligation of maintaining the fiduciary duties and responsibilities that the "State of Hawaii" Trustee is charged with? Will this new entity be charged with the fiduciary duties and responsibilities of the Trustee? Or will the duties and responsibilities be bifurcated, being retained by DLNR/BLNR (as it is now) AND the ownership, control and management to be in the new entity? Will this discrepancy "violate the Public Trust?"

OR, if there are any benefits that may accumulate in this new entity - How will those benefits transfer to the Beneficiaries of the Public Trust (as is required by the Law of Trusts)? In Ching vs. Case (<https://law.justia.com/cases/hawaii/supreme-court/2019/scap-18-0000432.html>), the Hawai'i Supreme Court mandates that the Public Trust must have benefits, AND the benefits

"must" go to the beneficiaries! This Bill DOES NOT provide for any benefits, or any procedure for such benefits to transfer to the beneficiaries. Will this discrepancy "violate the Public Trust?"

On the other hand, Will this new entity be charged with the duties and responsibilities of protecting the Trust's resources for the benefit of the Public Trust's beneficiaries? If so - Where does it say that it does? Bottom line - There are elements in the Bill that ARE NOT consistent with maintaining the Public Trust (in other words, it violates the Public Trust)! So, YES, the Bill is inconsistent with the requirements of being a Public Trust. Will this discrepancy "violate the Public Trust?"

Lastly, as long time Mauna Kea cultural and traditional Practitioners, we would like to affirm that Mauna Kea IS the traditional name of our Mauna. It is important to protect and maintain the integrity of the traditional place names of our ancestors. The term "Kea" has deep and profound meaning that doesn't simply translate to the Astronomers' definition of it as "White Mountain" and while we respect the reference to "Mauna a Wakea," we must continue to be aware of its traditional name. Queen Liliuokalani on March 30, 1908 wrote about Mauna Kea (see Queens song book). She didn't refer to it as Mauna a Wakea. So if the Queen called it Mauna Kea, shouldn't it be good enough for us to carry on this sacred name? We know the TMK for Mauna Kea but what would the TMK for Mauna a Wakea be? Shall we now change the names of Haleakala, Mauna Loa, Kilauea, Hualalai etc.? The place names help us navigate back to our genealogy and sense of place and when we change our place names it changes our path home — even our Pacific Brothers and Sisters recognize our Mauna as Mauna Kea and have similar place names as well. That is why so many came to stand with us on the Mauna - as they continue to remember it's name and its sacredness.

In conclusion - HB2014 HD1 violates the Admission Act (that created and initiated the Public Trust) and the Constitution of the State of Hawaii!

Therefore - we stand in OPPOSITION to HB2024 HD1!

/s/ Clarence "Ku" Ching on Behalf of the following Mauna Kea Hui and Kia'i Mauna:

/s/ Kealoha Pisciotta and Mauna Kea Anaina Hou

/s/ Kumu Hula Paul K. Neves

/s/ Deborah Ward

/s/ Kupuna Maxine Kahualio

/s/ Cindy Freitas

/s/ Billy Freitas



Hawai'i Island Chamber of Commerce

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March 21, 2022

Testimony in Opposition to HB2024 HD1 Relating to Mauna Kea Hearing on 3/22/22 3pm

Dear Hawaii State Senate Committees on Higher Education and Ways and Means,

The Hawai'i Island Chamber of Commerce, established in 1898, exists to provide leadership via services and advocacy for the business community while promoting the economic well-being of our island as a whole.

Representing over 300 members, our chamber continues to stand with Hawai'i's business community in support of astronomy which brings significant economic benefits to our Island and State. These include:

- employing more than 600 people on Hawai'i Island, with many of those positions STEM related;
- Millions of dollars in community education and outreach; and
- \$100M/year in economic impact.

The astronomical work being done by the Maunakea Observatories contributes to humankind discoveries helping to shape our view of the world. Maunakea Astronomy also allows us to be a global example of multinational collaboration and partnership. Additionally, Maunakea astronomy provides unique opportunities, valuable high skill internships, and quality employment opportunities for Hawai'i's next generation.

We believe the University of Hawai'i is by far the best option for a management structure on Maunakea and the lease renewal of 2033 is an urgent matter. We support the recently approved Master Plan for the UH Maunakea Lands along with the Comprehensive Management Plan. UH understands that it must protect Maunakea's value as a culturally significant landscape as well as a premier location for astronomy. With entities in place such as the Center for Maunakea Stewardship, 'Imiloa Astronomy Center and the Institute for Astronomy, the University of Hawai'i has broad resources, vast knowledge and a steadfast commitment to provide the best possible management under very complex circumstances.

We appreciate and recognize the work of the Maunakea Working Group, which had the impossible task of finding an alternative governing model for Maunakea that satisfies the protesters, as well as the State of Hawaii. However, the HICC **respectfully opposes HB2024**. There is a limited amount of time to successfully implement any new management structure before the Maunakea Observatories are forced to decommission, starting in approximately 5 years. HB2024 would also eliminate astronomy on Maunakea and the effects of this would be



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disastrous for Hawaii. Please consider what the loss of astronomy on Maunakea would mean for Hawaii and oppose HB2024.

- Loss of opportunities for our keiki to be part of the legacy of Hawai'i astronomy
- Loss of billions of dollars to Hawai'i County over the lifetime of the land agreements being negotiated now
- Loss of global leadership in a widely revered field of science and major impact globally on 21st century astronomy
- Major blow to UH Institute for Astronomy due to loss of guaranteed observing time
- Enormous reputational damage to State and County

Thank you for the opportunity to submit testimony in opposition of HB2024 HD1 Relating to Mauna Kea.

HB-2024-HD-1

Submitted on: 3/20/2022 4:39:29 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anela Evans	Testifying for Protect Kahoʻolawe ʻOhana	Support	Written Testimony Only

Comments:

Aloha e Chairwoman Kim, Vice Chair Kidani, and members of the Senate Committee on Higher Education. Aloha mai,

The Protect Kahoʻolawe ʻOhana urges the Senate Committee on Higher Education to **strongly support** HB2024 HD1. The ʻOhana recognizes the cultural, genealogical, and sacred significance of Mauna a Wākea and the efforts of the State to support appropriate and pono stewardship and management. HB2024 proposes a stewardship authority administratively attached to the Board of Land and Natural Resources with a diverse composition of key stakeholders including representation from Native Hawaiian community.

When faced with the opportunity to restore and properly steward the sacred lands and waters of Kahoʻolawe, the State formalized the necessary role of Native Hawaiian community groups in co-management (on the Kahoʻolawe Island Reserve Commission). HB2024 HD1 presents the right elements of this mode and has the support of the Protect Kahoʻolawe ʻOhana.

Thank you for your consideration. Aloha ʻĀina.

Center for Hawaiian Sovereignty Studies
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Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HIGHER EDUCATION

For hearing Tuesday March 22, 2022

Re: SB 2024 HD1 RELATING TO MAUNA KEA.

Establishes the Mauna a Wakea stewardship authority as the sole authority for management of state-managed lands on Mauna a Wakea. Requires the authority to develop a single plan that dictates the management of land uses; human activities, uses, and access; stewardship; education; research; disposition; and overall operations. Requires the authority to develop a framework to limit astronomy development on Mauna a Wakea. Allows the authority to prohibit certain commercial use and activities on Mauna a Wakea. Requires an application and fee for all recreational users of Mauna a Wakea. Establishes the Mauna a Wakea management special fund. Repeals the Mauna Kea lands management special fund. Appropriates funds. Effective 7/1/3000. (HD1)

TESTIMONY IN OPPOSITION

In education we're familiar with the fundamental 3 Rs:
Reading, (w)Riting, and 'Rithmetic.

Here are the 4 Rs of HB2024:
Racism, Religion, Retrogression, Re-education.

The first two are both immoral and illegal for legislation; the third would be very damaging to Hawaii's economy and status. The fourth would give ethnic Hawaiian propagandists the right to use Mauna Kea the way they currently use Iolani Palace, as a prop to brainwash visitors to believe in an idealized version of Hawaiian culture and a victimhood analysis of Hawaii's history.

RACISM

This bill is racist in the way it was created and in the way it requires that it must be implemented.

The "working group" established in 2021 to develop a plan for Mauna Kea was deliberately stacked with ethnic Hawaiians, far out of proportion to their percentage of Hawaii's citizens. So of course they developed a plan with not only racial preferences but actual racial requirements. The working group was created in urgent response to multi-year protests by a group of anti-telescope activists who were overwhelmingly ethnic Hawaiian and used Hawaiian cultural symbols, chants, and prayers to illegally blockade the access road and occupy adjacent areas with semi-permanent tents, shacks, and race-based religious "altars." In politics we know "the squeaky wheel gets the grease" -- in this case, a racial group dominated the protests, so the politicians created a working group dominated by that racial group in hopes of pacifying them, anticipating that group would create a plan catering to the perceived desires of that racial group, which is exactly what has happened. In politics we know that if you yell loud enough you will drown out opposing views. No matter that the protesters in particular, and astronomy opponents in general, are a minority among

the minority of ethnic Hawaiians -- they claim to speak on behalf of all racially defined Hawaiians, and the media publish news reports falsely portraying the protesters as expressing that alleged consensus.

The text of this bill proposes to create a "Mauna Kea stewardship authority" empowered to create and enforce regulations by authority of the government of the State of Hawaii. This authority will have 9 members: 2 ex-officio and 7 appointed. At least one of the two ex-officio members is guaranteed to be racially Hawaiian because that member is the CEO of OHA or person designated by that CEO. The bill also requires that "four of the seven non-ex-officio members of the authority shall be Native Hawaiian residents of the county of Hawaii, with a preference for Native Hawaiian residents of the county of Hawaii for all seven non-ex-officio members." Thus, at least 5 of the 9 members (i.e., a majority) are guaranteed to be racially Hawaiian; and this bill adds a preference that all 7 of the appointed members should be racially Hawaiian (plus the ex-officio OHA CEO or designee).

Furthermore, "A majority of all members shall constitute a quorum to do business, and the concurrence of a majority of all members shall be necessary to make any action of the authority valid." Since at least 4 of the 7 appointed members, and at least 5 of the 9 total members, are guaranteed to be racially Hawaiian, and since a majority consisting of 5 out of 9 members is a sufficient quorum to conduct business and make decisions, it would be easy for the racial Hawaiians to conduct business and adopt regulations (i.e., LAWS OF THE STATE OF HAWAII) without approval or even without notification to any non-racial-Hawaiian. THIS IS THE VERY DEFINITION OF RACISM: the exercise of power by one racial group without consent by (or even notification to) others. This systemic racism would have the authority of the government including police powers, fines, arrest and imprisonment. Also note that this bill specifies that a voting bloc of 4 out of the 9 members must be under the control of OHA: the ex-officio CEO of OHA (or designee), plus the 3 members designated as items 7,8,9 who

are nominated by OHA "in coordination with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian studies program at Hawaii community college."

A totally unacceptable part of this bill, both because of its racism and because of its requirement to transfer sovereignty out of the State of Hawaii, is this:

"§ -8 Transfer. The lands under the jurisdiction of the authority shall be held in trust as part of the public land trust; provided that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawaii."

That same language is already in the law regarding the entire island of Kaho'olawe. Pursuant to section 6K-9, Hawaii Revised Statutes, the management and control of the Kahoolawe island reserve will be transferred to a sovereign native Hawaiian entity upon its recognition by the State and the federal government. This event is anticipated to occur within the timeframe of the 2026 Kaho'olawe strategic plan. That same language has been incorporated into other bills in the recent past which fortunately failed, regarding the governance of Kahana Valley, Makua Valley, Ha'iku Valley (Ko'olaupoko O'ahu), and perhaps others. Some Hawaiian sovereignty activists are secessionists who would like to kick out the USA completely and make Hawaii an independent nation; other activists want to create a Hawaiian tribe and get federal recognition of it and then divide the people and lands of Hawaii between tribal vs. non-tribal. Both types of sovereignty activists realize it will take a while to achieve their dream; so in the meanwhile they want to carve out bits and pieces of Hawaii (this bill proposes it for Mauna Kea) to be designated as apartheid-style bantustans. These carve-outs, including approximately 70 DHHL "Hawaiian Homelands", are moth-holes in the fabric of Hawaii's society, where the number of holes and the size of each one seem to increase over time.

RELIGION

The word "sacred" and other religious concepts are sprinkled throughout this bill in a way that is contrary to America's well-established principle that there should be a wall of separation between government and religion. Of course the Hawaiian sovereignty activists will immediately shout "America's laws and principles have no jurisdiction or application here" (because the overthrow of the monarchy, Treaty of Annexation, and Statehood vote were all "illegal"). If you legislators believe that, you should resign.

One way we use that word "sacred" in everyday life is not a problem for separation of government and religion, because it's not a reference to religion but merely refers to something that is important; majestic; arouses awe or respect or strong affection. A child is sacred to its parents. Money is sacred to a miser or tycoon. And yes, a powerful telescope is sacred to an astronomer.

But in this bill, the ancient Hawaiian religion is enshrined and embedded everywhere. It's unacceptable or at least worrisome to many ethnic Hawaiians who consider themselves good Christians or Jews; and completely unacceptable to the remaining 80% of Hawaii's people.

Here are some items in the bill that need further explication for any legislators who might not be aware of how certain terms are used and the religious beliefs they entail.

"Mauna Kea serves as an important genealogical site"

"I Ola Hāloa Hawaiian studies program"

"Hawaiian cultural values embedded in the sacred landscape of the mauna"

"'aina aloha"

Kumulipo is a beautiful ancient Hawaiian creation legend passed down orally for centuries by priests who were trained to chant all 2102 lines perfectly. The elements of Kumulipo pertaining to the creation of the

Hawaiian islands and the creation of humans can be summarized as follows.

The gods mated and gave birth to the Hawaiian islands as living beings, which remain alive to this day. Earth Mother's name, Papahānaumoku, literally means Papa-who-gave-birth-to-the-islands. Sky Father Wakea mated with Papa who gave birth to the goddess Ho'ohokukalani, whose name means she who placed the stars into the heavens. Later when Papa was away on a journey, Wakea mated with his daughter Ho'ohokukalani (not child-molesting but a sacred ni'aupi'o mating), who then gave birth to a deformed stillborn baby Haloanakalaukapili. Wakea and Ho'ohokukalani buried it, and from that burial grew the first taro plant. Wakea and Ho'ohokukalani mated again, and from that mating Ho'ohokukalani gave birth to a perfect human baby boy, to whom they gave the name Haloa to honor the stillborn elder brother.

What was the role of the perfect baby boy Haloa as ancestor of future generations?

A benign interpretation is that Haloa is a Hawaiian name for the Biblical Adam -- the ancestor from whom all humans are descended. Thus we are all children of the gods and siblings to the land, endowed with a divine right to receive sustenance and a stewardship responsibility to take care of the land and exercise authority over how it should be used.

But Hawaiian sovereignty activists twist the creation legend to say that Haloa is the primordial ancestor only of ethnic Hawaiians. Anyone who has at least one drop of Hawaiian native blood is a descendant of Haloa, but nobody else is a part of this family. Only ethnic Hawaiians are children of the gods and siblings of the land, while nobody else ever can be who lacks a drop of the magic blood. Therefore ethnic Hawaiians have a divine right to rule Hawaii. This is an evil fascist theology to justify ethnic Hawaiian racial supremacy. This theology is the explanation for what makes Mauna-a-Wakea sacred and why it is

"an important genealogical site": it is literally the place where sky (Wakea) and Earth (Papa) came together to mate, from which are descended the islands, the taro plant, and then the primordial ancestor, named Haloa, of all ethnic Hawaiians. "I Ola Hāloa" (the Hawaiian studies program at Hawaii [Island] Community College) is named for that primordial ancestor Haloa, and is an assertion that he lives (through all his genetic [racial] descendants who have at least one drop of the magic blood).

The ancient Hawaiian religion with centuries of tenure was permanently abolished in 1819, the year before the first Christian missionaries arrived. It was abolished by the four top political and spiritual leaders of the Kingdom in a public display in front of perhaps a thousand important people. After careful planning, they broke a major taboo ('aikapu) whose violation normally carried the death penalty (men and women must not eat together), and then gave a short speech proclaiming that the old religion was now overthrown, and ordering the destruction of all the stone temples and burning of the idols throughout all of Hawaii. The four leaders were the child King Liholiho Kamehameha II; his biological mother Keopuolani (sacred wife of Kamehameha The Great and mother of the next two Kings who were his sons by her) who had the highest mana (spiritual power) in Hawaii; his regent (co-ruler) stepmother Ka'ahumanu ("favorite" wife of Kamehameha The Great among more than 20 official wives and numerous unofficial concubines); and Kahuna Nui (High Priest) Hewahewa. These leaders freely exercised self-determination on behalf of the entire nation. Soon thereafter came a short civil war. High chief Kekuaokalani, to whom Kamehameha The Great had entrusted the war god Ku, and his army, fought to preserve the old religion but were slaughtered in the Battle of Kuamo'o. Some ethnic Hawaiians today seek to revive the old religion as a political power-seeking ploy, thereby disrespecting the freely-chosen self-determination of their ancestors, and also disrespecting the Christianity practiced by most ethnic Hawaiians today. Many ethnic Hawaiians today claim to embrace both Christianity and the ancient religion, and pray or chant to the god(s) of both. There are even a few left-leaning Christian pastors who tell their

flocks it's OK to embrace both; but the Protestant missionaries of the 19th Century and the Catholic hierarchy of today reject such syncretism. One thing that makes Kamehameha III famous among historians was his gut-wrenching public vacillation between the two religions: He dearly loved his younger sister Nahi'ena'ena (same pair of parents) and made a baby with her (especially for love and also to fulfill a political requirement for genealogical enhancement of mana in the royal family) even while periodically repenting and trying to be a good Christian when the missionaries warned him about incest.

An essay drafted by 7 Native Hawaiian leaders in July, 2021 is entitled "The Historical Context for Sacredness, Title, and Decision Making in Hawai'i: Implications for TMT on Maunakea." It points out that the ancient Hawaiian religion and its gods had no objection to using areas near the summit of Mauna Kea for commercial and industrial purposes which included living and working there, digging into the ground to quarry rocks for sale or barter, and leaving their trash behind. It is not "Wao Akua" (the realm of the gods where ordinary people are not allowed to live or work).

"Archaeological evidence demonstrates that, while the kapu system was in effect, Hawaiians utilized Maunakea as a valuable resource for industrial activities for over 500 years until the time of western contact. Hawaiians excavated the upper slopes of Maunakea for stone of exceptional quality to make tools. As described by Hawaiian cultural practitioner and master navigator Kalepa Baybayan during the TMT contested case hearing, "[t]hey ... shaped the environment by quarrying rock, left behind evidence of their work, and took materials off the mountain to serve their communities, within the presence and with full consent of their gods." This adze quarry complex covers an area over 900 times the size of the permitted TMT site, which itself is small compared to the entire astronomy precinct"

Hawaii is multiracial, with many different religions. No individual race or religion should be allowed to dictate to everyone else what will be the

decisions of the government. The U.S. Constitution, First Amendment, says there shall be no "establishment of religion" by the government, meaning that government must not adopt any particular set of religious beliefs as the primary basis for making decisions that affect all people of all different religions. That Amendment allows "free exercise" of religion by any religion, so long as it doesn't force itself on anyone who is not an adherent of it.

It would be both legally and morally wrong for any government agency to award custody of Mauna Kea to any racial group or to adopt decisions or regulations establishing the ancient Hawaiian religion as the primary authority.

The Constitution of the State of Hawaii, Article XII, Section 7 declares that the State "reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights." Subsequent court decisions have ruled that those rights extend to ethnic Hawaiians beyond the borders of any particular ahupua'a, and apply to shoreline access and gathering of certain plants for subsistence and cultural practices. To avoid imposing racial exclusivity, ALL SUCH RIGHTS SHOULD BE ALLOWED TO EVERY RESIDENT OF HAWAII. We would thereby ensure that all Native Hawaiians would be protected as required by the Constitution, while also manifesting the Aloha Spirit and the value "ho'okipa" as we avoid racial supremacy or exclusivity. The fact that native Hawaiians had certain rights in ancient times, and still have those rights today under the State Constitution, does not in any way prohibit those rights from being available to all Hawaii's people of all races today. Another way of saying it is that those rights previously belonged to all Hawaii's people (who were, of course, all native Hawaiians back then), and continue to belong to all Hawaii's people today (regardless of race). There's nothing wrong with that, is there? Unless you're a flat-out racist demanding racial supremacy.

RETROGRESSION

This bill as written makes it clear there is no future for astronomy on Mauna Kea. Of course the "working group" and legislators who created it will say even the Thirty Meter Telescope remains a possibility; and the news media obediently repeated that nonsense. But the language in this bill is very clear. Astronomy will be phased out while environmental protection and cultural/religious uses will grow until all the telescopes and evidence of human habitation are removed and the upper zone of the mountain will be retrogressed to its natural state.

§ -6 Astronomy development; framework: "The authority shall develop a framework to limit astronomy development on Mauna Kea through development limitations that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that IN ESTABLISHING A FRAMEWORK TO CONTROL ASTRONOMY DEVELOPMENT ON MAUNA KEA, THE AUTHORITY SHALL ESTABLISH A PLAN TO RETURN THE MAUNA ABOVE NINE THOUSAND TWO HUNDRED FEET ELEVATION TO ITS NATURAL STATE." Note the word "shall" (mandated) as opposed to "may" (allowed).

Also, § -14 says "Any lease issued by the authority for the purposes of an astronomical observatory shall ensure that the astronomical observatory shall plan for and finance its decommissioning process on Mauna Kea and return and restore the impacted areas, to the greatest extent possible, to their pre-construction condition; provided that the authority shall determine what site restoration shall be based on, including but not limited to the protection of the natural and cultural resources on Mauna Kea and in accordance with the authority's guiding operational values and principles. [We will allow you to be born, but only if your genome includes a timed-release death gene]

The Honolulu Star-Advertiser of January 30, 2022 published an article summarizing a report by the University of Hawaii Economic Research Organization that "The state's astronomy sector pumped \$110 million

into Hawaii's economy in 2019 and generated an overall economic impact twice that ... astronomy's overall economic impact of \$221 million, which includes indirect expenditures, is nearly as much as agriculture statewide."

In Hawaii we often hear people lamenting the fact that many of our best and brightest children go away to college and never come back. Hawaii's economy is based on tourism and the military, providing little opportunity for people with advanced educations in science and technology. People born and raised in Hawaii often feel that all they can look forward to is a job as a hotel maid, store clerk, bus driver, carpenter, etc. Even locally-grown adults sometimes feel squeezed out and leave for other states with better opportunities -- Hawaii's population has declined in recent years due to out-migration. Retrogression by abolishing astronomy and its associated technology would probably accelerate the diaspora of Hawaii's people.

The COVID pandemic shut down Hawaii's tourist industry, and local folks discovered how nice it is to have good access to our beautiful environment without competition from tourists. The Navy's leaky fuel storage tanks at Red Hill created anti-military sentiment and a wish that we could kick the military out of Hawaii. If we don't want tourism, and we don't want a huge military presence, what's left to stimulate the economy and provide jobs?

Astronomy provides safe high-status jobs with good salaries for intelligent people of all races; does not pollute the environment; helps advance our knowledge of the universe, its ongoing story of creation, and our place among the stars. We have stunningly beautiful photos of galaxies, nebulae, planets, and even black holes from close to the time of the "big bang." Getting rid of telescopes on Mauna Kea would give a victory to anti-science troglodytes and damage our economy.

RE-EDUCATION

§ -11 (c) of this bill says "The authority shall require all people accessing Mauna Kea to undergo an annual orientation anchored by the authority's guiding operational values and principles; provided that all employees, contractors, leaseholders, and others who regularly access Mauna Kea shall have more extensive and frequent training on the authority's guiding operational values and principles.

What are those values and principles? § -2(9)(h) explains:

The authority shall adopt and follow the following guiding operational values and principles:

- (1) Mauna Aloha – We understand the reciprocal value of the mauna and a long-term commitment to maintaining the integrity of Mauna Kea;
- (2) ‘Ōpū Kupuna – We understand and embrace a duty and accountability to Mauna Kea, the natural environment, and to perpetuate the Hawaiian cultural values embedded in the sacred landscape of the mauna; and
- (3) Holomua ‘Oi Kelakela – We are driven by creativity and innovation, constantly challenging the status quo, with a stewardship of Mauna Kea that is informed based on existing knowledge and traditions, as well as on new and expanding knowledge. We are mindful and observant of needs, trends, and opportunities and seek new knowledge and opportunities in ways that enhance the ability to serve as stewards without jeopardizing the foundation of aina aloha.

Thus this bill would give ethnic Hawaiian propagandists the right to use Mauna Kea the way they currently use Iolani Palace, as a prop to brainwash visitors to believe that the idealized version of Hawaiian culture they are being told about is actually true, an animist religious viewpoint, and a victimhood analysis of Hawaii's history.

In some ways this one-time orientation for casual visitors, and frequent re-indoctrination for employees and regular visitors, is similar to the re-education methodology used in several Asian nations after a cultural or political revolution: Chairman Mao's cultural revolution in China; Pol Pot's re-education camps in Cambodia; similar campaigns in Viet Nam after the Americans were kicked out; and what's now happening with the Uyghurs in China and the women and girls in Afghanistan following the Taliban victory. They all need to be re-educated to adapt and assimilate to the newly dominant culture/religion/philosophy/ethnicity.

Should visitors (both residents and tourists) to certain special places be required to undergo an "orientation" program, video, lecture, or escorted tour? There is a good orientation program at Hanauma Bay, where all visitors are told how to snorkel responsibly and must not stand on the coral because that kills it -- this orientation program is racially/culturally neutral and free from divisive propaganda. There is a bad situation at Iolani Palace which has fallen under the control of Hawaiian sovereignty zealots, who focus on the "imprisonment room" and the beautiful songs and quilt created by the wonderful Lili'uokalani who was "illegally overthrown" by the USA [false], without explaining how she demanded the beheading of the local men who overthrew her, why she was imprisoned for conspiracy in a violent counterrevolution, and that she abdicated and swore allegiance to the Republic, and was fully pardoned by her magnanimous friend President Dole. The focus is on the ten years when the Palace was the Capitol of the Kingdom, but no mention of the 5 years when it was Capitol of the Republic and 70 years when it was Capitol of the Territory of Hawaii proudly flying the U.S. flag on the highest center pole. Iolani Palace is owned by the Department of Parks within DLNR, on behalf of all Hawaii's people. But it has become a propaganda factory miseducating kama'aina and malihini, leading them to believe it remains the Capitol of a still-living Kingdom of Hawaii where the spirit of Lili'uokalani still lives.



Testimony to the Senate Committee on Higher Education

Tuesday 22, 2022

3:00 P.M.

Video Conference

Conference Room 229

HB 2024 HD1: RELATING TO MAUNA KEA

Chair Kim and Vice Chair Kidani and Members of the Committee:

My name is Gary Kai and I am the Executive Director of the Hawaii Business Roundtable. The Hawaii Business Roundtable opposes House Bill 2024 HD1 which will establish a new Mauna a Wakea Stewardship authority as the sole authority for the management of State-managed lands on Mauna a Wakea.

The Hawai'i Business Roundtable is a statewide organization made up of Chief Executive Officers of many of the largest companies in Hawaii. While it is made up of business leaders, the Hawaii Business Roundtable is a community organization focused on broad community issues. It partners with government, private, nonprofit and other community organizations in building a stronger future for Hawaii and its keiki.

The HBR supports Astronomy on Maunakea but also respects its sacredness and cultural importance. We recognize there were failures in the past to observe and respect the significance of this site.

Astronomy has been an important part of Hawaii's history and culture. Today, it contributes to a meaningful, sustainable future for our community and our keiki. Hawaii is home to a world-class center of astronomy and research. The ground-breaking work of the University of Hawaii's Institute of Astronomy and the other astronomers on Mauna Kea puts Hawaii at the forefront of discovery and exploration. It shows our future generations that Hawaii can be a world leader in technology and science and provide hope to our youth. They no longer need to leave our islands to pursue these types of opportunities.

As business people, we have also spoken about the economic benefits of astronomy. More than a billion dollars can be invested in Hawaii with a project like TMT. Even now,

there are 1,400 jobs statewide that are sustained by the astronomy field creating approximately \$170 million in annual economic benefit to the state. It contributes to a more diversified economy which Hawaii needs.

There is language in the Bill that prevents future astronomy developments which will benefit our community and State.

“§ -6 Astronomy development; framework. The authority shall develop a framework to limit astronomy development on Mauna a Wakea that may include limitations on the number of astronomy facilities or an astronomy facility footprint limitation; provided that in establishing a framework to limit astronomy development on Mauna a Wakea, the authority shall establish a plan to return the mauna above the nine thousand two hundred feet elevation line to its natural state when ground based observatories are rendered obsolete due to developments in space—based astronomical technology.”

We are also concerned that the complexities of the implementation plan for the new authority are not clearly addressed. There are numerous issues, including but not limited to land transfers, development of management plans, permitting and developing administrative rules that may require years to complete. Astronomy may be at a disadvantage to attract projects like TMT especially with the general lease scheduled to terminate in 2033. Astronomy in Hawaii is too valuable of an asset for the world, our community and its keiki to risk its demise. We are willing to work with the University of Hawaii and broader community to insure the proper Stewardship of Maunakea and urge you to oppose House Bill 2024 HD1.

Thank you very much for the opportunity to testify.

Gary K. Kai, Executive Director
Hawaii Business Roundtable

March 21, 2022

Aloha mai Kakou,

I am William "Bill" Brown a native Hawaiian as defined pursuant to the Hawaiian Homes Commission Act (HHCA), 1920 (42 stat. 108) and currently a board member of Pana'ewa Hawaiian Home Lands Community Association (PHHLCA) with charge to HB 2024. The language is ambiguous to a federal act. HB 2024 suggest that Department of Hawaiian Lands (DHHL) is in contravene of the Admission Act of 59' to this measure. And the absent consent of beneficiaries (Title 2 Section 201 (a) 7) ability to investigate, discuss, and attribute any languages in HB 2024 to our provision on assets by said act of 1920.

HB 2024 and HHCA is in conflict more so a watered down prose that doesn't speak at the best interest for native Hawaiians and the asset's provision to the betterment of native Hawaiians. Decision(s) by Mauna a Wakea stewardship authority members exclude native Hawaiians leadership in their respected community to the "Authorized group" to which states in the measure professing inclusion(s) by the addition of OHA's representation from another state agency to which is another misnomer of the 1920 act.

HB 2024 at its cover seem indefinite more so the commingling of agencies processing and convoluted policies to better the state's position on the back of native Hawaiians assets for instance, HB 2024 7(a) moves beneficiaries lands at the consent of a state agency in an unmitigated concealed program(s) adverse to the betterment of native Hawaiians.

The absent voices of native Hawaiians in HB 2024 to proffer lands set aside for our betterment is egregious by this measure, this measure give away OUR authority, this measure give away OUR consensus, at worst this measure give away OUR homestead identity, culture, and assets on Humu'ula by forthcoming indistinguishable programs.

HB 2024 does not favor beneficiaries on assigned lands, nor does the measure bring homes for beneficiaries, or bring commerce for beneficiaries, most of all this measure does not ascribed to the act of 1920 without the consensual partnership for homestead-leader(s). So as a board member of PHHLCA along with certain Hawaiian Homestead community members, we question the rationality of this measure to the exclusion of native Hawaiians, support for this measure is afar nor is it near to accept.

Thank you for the opportunity to testify on behalf of Pana'ewa and thanks to the other six (6) homestead association in thriving to steer their respective community on assigned lands as native Hawaiian(s).

Mahalo Nui Loa,

Bill Brown
Board Member PHHLCA



'Ahahui o nā Kauka

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March 21, 2022

2021-2022 Advocacy Committee

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COMMITTEE ON HIGHER EDUCATION

Senator Donna Mercado Kim, Chair

Senator Michelle N. Kidani, Vice Chair

Group Testimony in Support of HB2024HD1 -Relating to Mauna Kea

Aloha Chair Mercado Kim, Vice-chair Kidani and members of the Committee on Higher Education. I am Dr. Noa Emmett Aluli and on behalf of the 'Ahahui o nā Kauka. We stand in support of HB 2024 Relating to Mauna a Wākea along with the amendments included in HD1.

Ahahui o nā Kauka, the Association of Native Hawaiian Physicians, established in 1998 to *Champion Superior Health Care for all Native Hawaiians*, is **IN SUPPORT of HB 2024 HD1**, which would establish a new authority for the stewardship of Mauna a Wākea, with the authority to develop a use plan, restrict commercial activities and more.

Our membership first made a huaka'i to Mauna a Wākea in January 2001 as we sought to educate ourselves on what is important to our culture, to the Hawaiian community, and the world at large in the pursuit of health and well-being. As Kānaka 'Ōiwi and medical scientists, we support the protection of Mauna a Wākea, and of all sacred places. We understand that wahi kapu, sacred places, are essential to the health and wellbeing of our people. As members of the Pacific Rim Indigenous Doctors Congress (PRIDoC) in 2016 and again in 2018 we, and our indigenous colleagues from across the Pacific and the Americas, unanimously took a position to support the protection of Mauna a Wākea.

Creating a dedicated stewardship entity, as proposed in HB 2024, will assure wise management that is values- and place-based, and hopefully preclude conflicts of interest that arise with the current managing entity. The 'Ahahui o nā Kauka has collaborated with the Edith Kanaka'ole Foundation (EKF) in the past and we, therefore, have the utmost confidence that EKF will maintain the Hawaiian cosmology of Mauna a Wākea, assuring that is protected and preserved as a precious cultural and natural resource. This foundation has worked tirelessly to educate our Lāhui Hawai'i and those who steward Hawaiian lands in the ceremonies and protocols that are essential in the management of sacred lands, calling upon the nature deities that are the elemental forms in our sacred landscapes.

Let us bring to fruition the words that were offered by the Mauna a Wākea Working Group:
He lā hou kēia ma Mauna a Wākea.

A new day has indeed arrived on Mauna a Wākea

Mahalo for the opportunity for the 'Ahahui o nā Kauka to testify in support HB 2024.

Me ke aloha no Mauna a Wākea.



Kamehameha Schools®

Senate Committee on Higher Education

LATE

Time: 3:00 p.m.

Date: March 22, 2022

Where: Conference Room 229 & Videoconference

TESTIMONY

By Kaeo Duarte

Vice President, Community & 'Āina Resilience,
Kamehameha Schools

RE: **HB 2024, Relating to Mauna Kea**

Aloha e ka Luna Ho'omalua Kim, ka Hope Luna Ho'omalua Kidani a me nā lālā o kēia Kōmike.

Kamehameha Schools **supports** HB 2024, which establishes the Mauna Kea Stewardship Authority as the sole authority for management of state-managed land on Mauna Kea.

Mauna Kea is a place of great ecological, historical, and cultural significance for Hawai'i and for Native Hawaiians. The proper management of Mauna Kea's rich natural and cultural resources has been a source of continued community concern and controversy. House Resolution No. 33, HD1 (2021) established the Mauna Kea Working Group to develop recommendations for a new governance and management structure for Mauna a Wākea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community.

With 15 people serving on the Working Group with differing views, the process proved to be balanced, while demanding and difficult. Therefore, we applaud the efforts of the MKWG for having the necessary courageous conversations over the course of the past year. We recognize their recommendations as a milestone toward better management of Mauna Kea in the future.

As one of the Working Group's recommendations, we believe establishing a new Mauna Kea Stewardship Authority is an appropriate next step, creating a venue where diverse expertise and perspectives and community voices, particularly those from the Native Hawaiian community, are meaningfully elevated in the decision making process. We recognize the value of such expertise and community input as we strive for pono stewardship of the 297,534 acres that KS owns on Hawai'i, as well as our remaining lands throughout the pae 'āina.

Furthermore, it is a goal of our organization to educate 'ōiwi leaders who are empowered to solve the issues of our people and communities. As such, while no process is perfect, in creating this venue, we have faith and trust that the leaders in our community will rise to carry this great kuleana with the same aloha and na'auao that underline the Working Group's recommendations. We urge that spirit continues through the language of this measure.

For these reasons, we ask that you **support** HB 2024.

Founded in 1887, Kamehameha Schools is an educational organization striving to restore our people through education and advance a thriving Lāhui where all Native Hawaiians are successful, grounded in traditional values, and leading in the local and global communities. We believe that community success is

individual success, Hawaiian culture-based education leads to academic success and local leadership drives global leadership.

Hānai i ke keiki, ola ka lāhui. *Nurture the child, and the people thrive.* **Please advance this measure.**



LATE

Senate Committee Higher Education

Tuesday, March 22nd, 2022, 3 p.m. Conference Room 229

Hawai'i Alliance for Progressive Action Support: HB2024 HD1

Aloha Chair Mercado Kim, Vice Chair Kidani and Members of the Committee,

On behalf of the Hawai'i Alliance for Progressive Action (HAPA) I am submitting testimony in support of HB2024 HD1.

HAPA supports the intent of this bill to develop a stewardship authority, with Hawaiian leadership, outside of University of Hawai'i to manage this important site.

HB2024 HD1 establishes the Mauna Kea stewardship authority as the sole authority for management of state-managed lands on Mauna Kea, and develops a plan, framework and management system for the stewardship authority.

UH has demonstrated time and time again their inability to properly manage the activities, development and ecosystem on the mountain.

There is no longer confidence in UH to properly manage Mauna Kea. We support trying something new and establishing this stewardship authority instead of continuing with something we know isn't working.

We support a stewardship authority rooted in Hawaiian leadership and representation whose interest is the collective good, not just that of UH.

Please support HB2024 HD1.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick'.

Anne Frederick
Executive Director

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 1:07:55 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alfred Medeiros	Individual	Support	In Person

Comments:

Aloha chair and committee, my name is Alfred Keaka Hiona Medeiros of Wai'anae, O'ahu and I'm a proud Kānaka Maoli and Kia'i of Hawai'i Nei. I'm in support of HB 2024 and the main reason is because...The University of Hawai'i has continued to fail in the protection of Mauna Kea and they've only cared about the \$\$\$\$ that they'd acquire through agreeing to desecration of sacred land. The continued disregard to Native Hawaiians and Hawai'i by UH has become more than just an issue, it's a problem and one that needs to stop and by removing their power within the Mauna Kea Masterplan...ASAP! We can't let them continue to fail and we will be ready for whatever decision made...but know, that we the people of Hawai'i are fed up and have united to stand and protect our sacred Mauna Kea. Mahalo for your time and Kū Kia'i Mauna!

HB-2024-HD-1

Submitted on: 3/21/2022 2:20:12 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matthew Gurewitsch	Individual	Oppose	Remotely Via Zoom

Comments:

I am writing to ask you to vote AGAINST HB 2024HD1.

I have been a permanent, full-time resident of South Maui for 10 years and counting. I own real estate nowhere else.

Kudos to the Mauna Kea working group for attempting the impossible. I do not believe there is any governing model that will pass muster with the TMT protesters, who have for some time placed themselves outside the law in opposition to the rest of the State of Hawaii. The State of Hawaii must not bow to their illegal blockage of the Mauna Kea Access Road. It is of vital importance to the future of our keiki, our environment, our economy, and the conduct of State business that the TMT project go forward. In my view, the new proposed plan and structure put forward by UH deserves your full support. The Mauna Kea Working Group draft report, however well intentioned, should be scrapped in its entirety.

If, however, the draft report remains on the table, I urge you to take the following issues into account.

1. The purpose of this bill must be to create a better Hawaii for Hawaii's keiki. Let's create opportunities for our keiki to work right here in Hawaii, on the most advanced scientific endeavors. The goal of contributing to global scientific exploration is absolutely congruent with the goal of perpetuating Hawaii's tradition of celestial navigation. The bill should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. Simplify all the Byzantine provisions! There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. Its only obligations must be to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. Let's affirm, once and for all, that astronomy is here to stay! The first Polynesian settlers of Hawaii have left us no more precious legacy than their knowledge of the stars. Yet the bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. A thousand times no! Astronomy on Mauna Kea provides unique educational opportunities,

valuable high-skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa for your attention.

Matthew Gurewitsch (Senate District 6)

HB-2024-HD-1

Submitted on: 3/18/2022 4:32:47 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thayne Currie	Individual	Oppose	Remotely Via Zoom

Comments:

I have extensively reviewed the Maunakea management bill HB 2024 extensively. **HB 2024 is a dangerous, hopelessly flawed bill resulting from a tainted process.** It would result in far poorer management of Maunakea, not better management, and will likely get struck down by the courts for being unconstitutional.

If you pass this bill, you will be responsible for passing a bill that will hurt Hawaii.

The following is an incomplete list of fatal flaws with this bill. I strongly urge HRE and WAM to DEFER this awful, offensive, and dangerous bill.

Regards,

Thayne Currie

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1. HB 2024 is the Result of a Tainted Process.

a. The public had a single opportunity for testimony on HB 2024. Written public testimony spans 360 pages: a clear majority of comments are adamantly opposed to this bill, citing many of the same issues I outline below (items 2-6).

The amended bill addresses exactly none of the serious concerns raised by the public. *The public never had a chance to comment on the amended bill.*

The procedural taint resembles flaws in Maunakea legislation from the 2018 session (HB 1585 and HB 1985/SB3090).

On an issue so important to Hawaii and to the world, a bill should proceed properly or it should not proceed at all.

b. The management of Maunakea is literally the management of a large piece of land. The most appropriate Senate committee for this bill is Water and Land (WAL), whose purview includes "... programs relating to ... **land and water management**" (emph. added). No other committee

has these assigned purviews. The House counterpart to WAL oversaw this bill. Past Maunakea legislation (e.g. SB3090/HB1985 from 2018) went through the Senate's WAL committee.

Bypassing WAL for this bill is inappropriate, unlikely to be accidental, and yet another example of a tainted process.

On an issue so important to Hawaii and to the world, a bill should proceed properly or it should not proceed at all.

c. The bill's text heavily depends on recommendations from the Mauna Kea Working Group (MKWG). The bill premise is that management of Maunakea should be given to a new authority because current UH-led management is poor, or at least "inadequate".

However, neither the MKWG or the House committees who drafted this bill ever actually visited Maunakea in the first place. They never saw management of the mountain firsthand nor spoke with current employees on site. The clear majority of comments on the bill were negative: the working group never addressed these negative comments. It is entirely unclear whether their criticisms of current management are supported by facts on the ground.

The House did not do their job.

On an issue so important to Hawaii and to the world, a bill should proceed if it is informed by evidence, or it should not proceed at all.

2. HB 2024 is extremely reckless, as it puts astronomy in Hawai'i at serious risk.

Support for astronomy is a long-standing state policy. The current master lease for astronomy on Maunakea expires in 2033. UH is in the process of seeking lease renewal beyond 2033 and this must be done very soon. It is extremely unclear how the state can put in place a new management structure in place of UH which will timely re-authorize astronomy after 2033.

The bill quotes a transition period of 3 years after which the new authority will develop a management plan (mid 2025 at the earliest). Such a management plan is a prerequisite to any lease renewal. History shows that such plans go through extensive editing during a public review process (e.g. the recent Maunakea Master Plan "E O I Na Leo"). The processes for formulating a comprehensive management plan and, later, the lease renewal itself require further public consultation and extensive document editing. Legal challenges – e.g. a contested case hearing – will assuredly arise. With this new authority, it is unlikely that any lease renewal could occur before 2027: dangerously close to the current lease expiration.

Put crudely, this bill **will** be weaponized to filibuster to death any future lease for current astronomy facilities on Maunakea, to say nothing of TMT.

3. HB 2024 will wreck management of Maunakea. It inappropriately expands jurisdiction, guaranteeing endless legal entanglement and making proper management more difficult.

The bill expands jurisdiction – by a factor of 10 in area -- to include the whole mountain from the 6,500 ft elevation at the Saddle Road Junction to the summit. The zoning for some of the parcels covered can wildly differ: e.g. ‘conservation district, restricted subzone’ or as agricultural lands near the Mauna Kea Access Road. Currently, other entities – DHHL, DLNR, etc. – own these lands. legislature risks losing this new authority in labyrinth of legal complications and challenges.

The expansion makes no logical sense as a solution to problems supposedly restricted just to the upper 11,000 acres of Maunakea. The new management structure would monitor land use over a vastly large scale with different previous managers and with wildly varying zoning designations than before. Thus, this expansion makes proper management of Maunakea vastly more challenging than before.

It is a disaster in the making.

4. HB 2024 is blatantly unconstitutional, WILL face immediate legal challenges, and WILL LIKELY get struck down by the courts.

The stewardship authority receives direct funding from the State of Hawaii. The bill establishes representation of the stewardship authority based on race, requiring that the majority of non-ex-officio members must be Hawaiian. Whether or not this is a good idea in the abstract, it is a blatant 14th amendment equal protection violation. US Supreme Court has long recognized that that race-based decision making on public lands is unconstitutional and is highly sensitive to the appearance of race-based preferences. Hawai`i State Supreme Court in Arakaki v State of Hawai`i recognized that membership in organizations with decision-making power based on race is likewise unacceptable. Article 1, Section 5 of the Hawaii State Constitution separately enshrines equal protection under the law.

As evidenced by testimony in the House committees, the bill is guaranteed to trigger immediate legal challenges on these and other grounds.

What will the State do once this management structure is struck down by the courts for being unconstitutional? Revert to the old management? Have no managing authority on Maunakea?

5. HB 2024 blatantly contradicts its own mandate by not giving the astronomy community seats on the board. Astronomy must not simply be represented but well represented.

Astronomy on Maunakea is immensely valuable to the state. Collectively, it one of the largest employers on the Big Island, responsible for well over 150 million dollars in spending per year. Maunakea is the best observatory site in the northern hemisphere, possibly the best accessible site in the world. It has put Hawai`i at the forefront of advancing humanity’s knowledge about our place in the universe: the 2011 and 2020 Nobel Prizes in Physics drew in part from Maunakea astronomy. Maintenance of the road to the summit and thus access to cultural sites by car is supported by astronomy.

Astronomy is critically affected by the decisions of any management entity on Maunakea. For instance, today the 2000 Master Plan and 2009 Comprehensive Management Plan guide decisions on the location and type of observatories, requirements for the maintenance of observatories, commissioning and decommissioning of observatories, etc.

The purpose of the working group whose discussions led to this bill was to recommend a new management structure that ``collaboratively engages with all stakeholders''. Astronomy represents a blindingly obvious stakeholder. It is inappropriate for astronomy – either directly or through UH -- to not have strong, well represented voices (emph. on the plural) in management of Maunakea, not just simply an advisory group. Period.

Furthermore, the language contained in this bill as it describes astronomy is incendiary and inaccurate. Astronomy is described as an activity that must be “controlled”, as if it is some sort of weed, instead of the point of pride that it is. This adversarial language is offensive to the hundreds of hardworking local observatory workers, including many Native Hawaiians who see no conflict between their jobs and their personal beliefs. It is inappropriate for the Hawai`i State Legislature to `splain their identities to them.

6. UH should retain at least co-management of Maunakea

Finally, the entire premise of a new management structure is flawed. The working group’s creation was supposedly driven by the Ku’iwalu Report on UH’s management of the upper 11,000 acres of Maunakea. In no uncertain terms, the Ku’iwalu Report lauds UH’s management of natural resources on Maunakea, stating that Maunakea is “some of the best managed land in the entire state”. Thus, there is no justification for removing a good manager of state lands.

The Ku'walu Report's main criticism of UH was its lack of community outreach and engagement with the Hawaiian community. That is a fair criticism. It can be addressed by giving representatives of Hawaiian community organizations and cultural practitioners shared decision making power in a modified version of the current management structure. Addressing this issue does not necessitate an entirely new structure, certainly not one that cuts UH out entirely and puts astronomy itself at risk.

HB-2024-HD-1

Submitted on: 3/20/2022 3:03:27 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
KATHERINE ROSEGUO	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha. I am Katherine Roseguo, a Hawai‘i island voter. I graduated from Roosevelt High School and University of Hawai‘i at Mānoa. I would like to offer my testimony in honor of the late Dr. Paul Coleman, native Hawaiian astrophysicist and the late Kālepa Babayan, navigator on the Hōkūle‘a and cultural treasure.

I am here to express my horror and deep opposition to HB 2024, the bill which seeks to destroy all astronomy on Maunakea, register and charge all visitors, and bill taxpayers for all this destruction.

The process which led to the creation of this bill was not pono in so many ways. First off, the MKWG was made up mostly of protestors. So many other stakeholders were deliberately left out: astronomers, of course, but also everyone who has made a life out of working on Maunakea - cooks, rangers, engineers, mechanics, the guys who grade the road, the interpretive guides, the people who plant and care for our native species on the mountain, and so many more. On and on. Some have been working there for more than 30 years and. raised their families here. So when you destroy astronomy on Maunakea, you also destroy these people’s livelihoods. How are they not stakeholders? And what other voices were not included? DLNR? DHHL? Native Hawaiian astrophysicists? Yet in the face of overwhelming opposition and testimony in the House, it still passed. What’s up with that? I did notice the bill was co-authored by Ty Cullen, who recently got booted out for corruption, so it makes me wonder.

The rationale for creating the MKWG was claims of “mismanagement”, yet nobody from the MKWG actually visited Maunakea to verify if that is still the reality. I have been reviewing the UH Comprehensive Management Plan at the same time I’ve been reviewing this bill HB 2024. I challenge all of you to do the same. Put them next to each other. HB2024: “Requires the authority to develop a framework to limit astronomy development on Mauna a Wakea. Allows the authority to prohibit certain commercial use and activities on Mauna a Wakea. Requires an application and fee for all recreational users of Mauna a Wakea. Establishes the Mauna a Wakea management special fund.” It seems to be more about control and power than benefit to the community. The UH Comprehensive Management Plan is more about “How can we best serve ALL stakeholders?” To me, that seems to be a better path forward for everyone.

After protestors illegally blocked the access road so the completely permitted TMT project could not begin construction, and people could not get to work on Maunakea, Harry Kim tried to come to a resolution - remember his plan right? Trying to placate the protestors, he had gravel spread down for the protestors, using taxpayer funds. Remember how the protestors slowed everybody down on the road, in Honolulu? Did that solve anything? Were the protestors happy? No. Mark Nakashima seems to be trying the same thing, appease the protestors with this bill, except this time they want to destroy all astronomy on Maunakea and make taxpayers pay for it. Do you really believe protestors are going to be happy after that? No, they aren't. So what's after that?

Protestors claim that astronomy and Hawaiian culture cannot co-exist on Maunakea, but the truth is that has been happening for 50 years. Akeakamai, a Hawaiian word for science, means "desire expertise". The "Big Bang" is literally in the Kumulipo, the Hawaiian creation chant.

Protestors fail to see the connection between astronomy and our everyday lives, but actually if you own a cell phone, you have benefited from astronomy. Protestors claim that so many people have supported them, but then I remember that a lot of what they were saying back in 2019 was misinformation, like fears of the telescopes tainting the aquifer: virtually impossible.

‘O ka ‘oia‘i‘o, aloha ‘ia ka po‘e Hawai‘i a puni ke ao. Makemake ka po‘e e kōkua. Eia na‘e ‘a‘ohe kōkua ka ho‘opunipuni a me ka hūhewa. Despite the claims of the protestors, I cannot believe that using these instruments to seek answers to our place in the universe is "desecration". On the contrary, "desecration" is all the tarps and junk cars at the bottom of the access road to Maunakea.

Right now, anybody can visit Maunakea for free. No registration, no fee. No one is prevented from going up the mountain and doing their religious practices. No one is being displaced. No one is losing their job. On the contrary, with HB2024, you gotta register and pay.

And then what about these kids, who recently [won telescope time](#) on Maunakea telescopes? If you pass this bill, how are you going to explain to them why they can't come home to work in the observatories after they graduate from college. These are OUR kids. OUR KIDS. What are you going to tell them? If they can't come home because astronomy on Maunakea has been destroyed, that's on YOU. Who's fighting for them?

Dr. Paul Coleman took me and my kids up to Maunakea and he showed us the night sky and talked about all the wonders of the universe. Kālepa Babayan taught my kids how to navigate by the stars. Both spent their lives educating our youth and our world community about our connections to the skies above us. Let's continue what they started. NO ON HB 2024

Dr. Richard E Griffiths
12-7216 Mauka Nui St
Pahoa
HI 96778

March 20 2022

Subject: Comments in opposition to HB 2024

Dear Hon. Senators

As a constituent of the state and county of Hawai'i, I am writing to express my strong objections to the proposed Bill HB 2024.

With reference to the Working Group Report submitted to Rep. Mark Nakashima, I have the following initial comments:

With the exception of juvenile school-student reports, I have never read such an ill-conceived or badly worded report, which purports to be about the management of state lands on MaunaKea but contains no plan and no management structure. The document is pre-occupied with concerns about religion rather than culture or science or the management of such a precious resource. As such, the report clearly violates the separation of church and state. In contrast, the report prepared on behalf of the University of Hawaii is a carefully conceived, highly respectful and fully appropriate report for the continuation of the University's management of MaunaKea, especially the Astronomy Precinct.

In common with some present-day Native Hawaiians, the Ancient Greeks worshipped fictitious gods, such as the father-figure Zeus who resided on Mt.Ida in Crete and gave rise to several other demi-gods. The Greeks long ago relegated these beliefs to mythology and have moved on into the modern world. The ancient Greeks gave us science, mathematics, medicine, philosophy, to name a few of their contributions. One might question the contributions of Native Hawaiians to the world. If all they can do is to stand in the way of science, then this is a very sad reflection on their capabilities.

Astronomy is one of the oldest sciences, and the early wayfinders used it to navigate to these islands from the west and south. Aside from the interests of King Kamehameha the Great and King Kamakaua, modern observational astronomy was brought to Hawaii in the mid 1960's, at the invitation of the Hawaii Island Chamber of Commerce, when it was recognized that Mauna Kea was the best observing site in the northern hemisphere. Since then, astronomers in the USA and around the world have come to rely on the superb and unique observing conditions on Mauna Kea for a large fraction of their science productivity. The loss of this world-class observing site would deal a massive blow to American astronomy, which would be relegated to second or third place worldwide following Europe and China.

The MaunaKea Working Group was apparently given a somewhat challenging task - finding an alternative governing model for MaunaKea that would satisfy the TMT protesters and the rest of the State of Hawaii (assuming that a minority of protestors always need to be satisfied, when the majority of Hawaiians are in favor of the TMT). The reality is that UH's management of Mauna Kea has been excellent and the only management failure has been the State's failure to enforce the law and arrest protesters unlawfully blockading the MaunaKea Access Road to prevent the construction of the Thirty Meter Telescope, the most advanced telescope in the world. The creation of any new governing entity is completely unnecessary and inappropriate and would merely serve to delay TMT and the renewal of the lease that governs the telescopes. This is, of course, the protesters' objective, but it should not be the State of Hawaii's objective, and it is certainly not the objective of the people of Hawai'i. This new governance model 'proposal' should be completely abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

However, to the extent that this sidelining effort continues on, I have many major objections, of which the following are representative:

1. The report currently proposes to exclude the astronomy community from having a vote in management of Mauna Kea. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide hundreds of millions of dollars in investment and jobs to our economy. At a minimum the astronomy community deserves a vote on the management structure of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both. Given the unchallenged success of the Observatories over the past 65 years, the astronomy and science communities should have at least a half of the votes if not a majority.
2. The report surreptitiously includes, with very little explanation, that Mauna Kea, including the summit, will be governed under "HRS 183" and "HRS 205A". HRS 183 covers "forest reserves" and HRS 205A is for "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which has no trees and is very far from the coastline, would be governed under these statutes. The most probable reason is that the protesters know these are much more restrictive zoning classifications that could be used to completely exclude astronomy from the summit. This is clearly unacceptable to the astronomy community in Hawaii, on the mainland of the USA and around the world. No zoning changes should be made that would endanger the scientific pursuit of astronomy on Mauna Kea.
3. Any and all implication that Mauna Kea is "sacred" to Native Hawaiians is inappropriate and should be removed from the report. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think that Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. The ali'i abolished the kapu religion over 200 years ago and the State constitution prohibits the government from establishing a religion. One could argue, with far greater justification, that Mauna Kea is sacred to the science of astronomy.

4. Further, any mention of "Mauna a Wakea" is entirely inappropriate. Mauna Kea is not named 'Mauna a Wakea' and claims to the contrary are not supported by fact. The taxpayer-hosted document written by the Mauna Kea Working Group should not continue to push this false narrative, unless we live in a world of 'alternative facts'.

Once again, I would reiterate that there is a separation of church and state in the United States of America. And anyway, there are certainly no gods on MaunaKea, which is a volcano that rose up from the Pacific a million years ago.

5. The Working Group report failed to recognize the significant efforts the University has already made to address the concerns regarding "education and outreach aimed at restoring trust between the University of Hawai'i and the Native Hawaiian community". As such, the report did not effectively describe or propose how a new governing entity would be able to fulfill / achieve these same responsibilities that the University—despite its many successful engagement programs—is considered unable to achieve.

6. 'Imiloa is a University entity that was established exactly for this purpose:

"dedicated to serving local and visitor communities through quality education programs strengthened by the core academic offerings of UH Hilo". UH Hilo and Imiloa programs and services include, but are not limited to: PreK-12 grade programs, after school programs, day camps, Hawaiian language and culture-based enrichment programs that focus on local science research, cultural advancement and environmental stewardship. Imiloa was recently cited in the National Academy of Sciences' Decadal Review of Astronomy and Astrophysics as an outstanding example of the efforts to unite astronomy with local culture and practices.

'Imiloa brings together members of the Hawaiian and astronomy communities to share a common vision for the future, bringing information about the cultural and natural history of Maunakea to students, teachers, our local residents, and visitors from around the world. 'Imiloa has strengthened links to early Polynesian navigation history and knowledge of the night skies, as well as today's renaissance of Hawaiian culture and wayfinding with parallel growth of astronomy and scientific developments on Hawaii Island."

7. At UH Hilo and Mānoa, the University astronomy community is one of the most active in regards to community outreach (e.g. AstroDay, Onizuka Day, Lacy Veach Day, UAC events, Open House events, significant astronomical events - solar eclipse, etc.)

8. There were two sub-groups (Native Hawaiian Culture and Astronomy subgroups) created to address the tasks of the MWG, namely to address the concern: "The lack of genuine consultation with the Native Hawaiian community"

Despite the clearly stated need for increased consultation and dialogue between the astronomical and Native Hawaiian communities, the MWG itself was unable to facilitate such dialogues during their meetings. Their report makes it unclear whether the working group framework would be able to facilitate and enable such critical consultation between these two communities. The report contains no plan for doing this and the MWG members seem completely disinterested in doing so.

Furthermore, the working group itself was unable to reach consensus regarding management of astronomical facilities, and it is completely unclear how the proposed list of stakeholders will be able to come to a consensus on management policies nor how a potential impasse would be resolved. The report contains no plan and no management structure.

9. The report alludes to restoring Maunakea to its 'natural state', but does not define what 'natural state' means. This leaves unanswered many questions about the ability to continue scientific (be it astronomical, conservation or other) endeavors, cultural practices and/or recreation activities that are currently enabled by the road and the access to higher elevation and summit regions that the road affords.

10. With its lack of details and risk analysis, the report creates a problematic climate of uncertainty related to the near-future scientific and educational activities linked to Maunakea. In particular:
within the astronomy community around the world, ground-based observatories remain fundamental to that science. The current ensemble of Maunakea Observatories is the most productive in the world, not only adding prestige to the State of Hawaii, but also providing a significant economic and educational impact. This impact is not acknowledged in the report; on the contrary, the goal seems to be the eventual removal of all such facilities. The loss of world-class astronomical facilities on Maunakea would be a deep loss for the State of Hawaii, and for all of astronomy in the USA and worldwide. There have been so many discoveries using the facilities on Maunakea that it is difficult to imagine the state of astronomy today if telescopes had not been built on Maunakea. The USA will still have the Hubble Space Telescope, the James Webb Space Telescope and other facilities in space, but these facilities are over-subscribed by large factors and observations made with them always need follow-up from the ground, especially from Mauna Kea. Furthermore, the detectors used on the James Webb were developed here in Hawaii and first tested on Mauna Kea.

11. Research activities on Maunakea provide numerous STEM educational activities, for hundreds of students across the State of Hawaii. At UH Hilo alone for instance, opportunities for students arise in fields like evolutive biology, ornithology, volcanology, astronomy, engineering, geology, robotic space exploration, botany, hydrology, environmental science, ecology, climate change, etc. As mentioned above, the uncertainty surrounding the future access to the mauna and the potential loss of the observatories as described by the report could have a very negative impact on these opportunities, more so if local or federal research funding related to such STEM are affected due to an unsound management structure.

In closing, I would say that native Hawaiians should not pick on the science of astronomy in order to express their justifiable grievances. Instead, they should champion the science of astronomy, share the incredible mountain and its resources, and show how proud they are that world-leading science is carried out from Mauna Kea.

Mahalo nui loa,

Sincerely,

Richard E. Griffiths

Richard E. Griffiths

Davianna Pōmaika‘i McGregor
1942 Naio St.
Honolulu, HI 96817

Testimony of Davianna Pōmaika‘i McGregor in favor of
HB 2024, H.D. 1 Relating to Mauna A Wakea
Tuesday, March 22, 2022 @ 3:00pm
3:00 – Conference Room 229 & Videoconference

Aloha Chair Mercado, Vice-Chair Kidani and members of the Senate Committee on Higher Education. I am Davianna Pōmaika‘i McGregor, Professor of Ethnic Studies at the University of Hawai‘i-Mānoa and I am testifying as a private individual in support of HB 2024, H.D.1 Relating to Mauna Kea. I have been qualified as an expert witness with regard to the perpetuation of traditional and customary Native Hawaiian cultural, subsistence and religious practices in the Pele Defense Fund v Paty case (Civ.No. 89-089, Haw 3rd Cir); the State of Hawai‘i v Lloyd Pratt case; and State of Hawai‘i v Wong. I am on the faculty of the Native Hawaiian Law Training Course for members of Hawai‘i boards and commissions, in which I present the foundations for Native Hawaiian rights in the laws of King Kamehameha III that established the unique system of private property in Hawai‘i.

I support the establishment of a Mauna A Wākea stewardship authority as defined in HB2024, H.D.1 as the sole authority for management of state-managed lands on Mauna A Wākea. The University of Hawai‘i(UH) has failed to protect Mauna A Wākea. The Hawai‘i State Auditor’s Office released reports in 1998, 2005, 2014 and 2017 which were critical of the management of the state-owned lands of Mauna A Wākea by the UH.

In the past, the UH has failed to effectively acknowledge and consult with the Native Hawaiian community regarding education, outreach and cultural resources management for the Mauna. H.B. 2024, H.D.1 would provide for a 10-member stewardship authority, comprised of at least four Native Hawaiian residents of the county of Hawai‘i as non-ex officio members among whom would be a lineal descendant of a Native Hawaiian practitioner associated with Mauna A Wākea, a recognized practitioner associated with Mauna A Wākea, and a person with expertise in Native Hawaiian traditional and customary practices.

Concerns about the make up of the stewardship authority being race-based and in violation of the 14th amendment of the U.S. constitution obfuscate the fact that the U.S. Supreme Court, in the Rice v Cayetano case only ruled that elections for the Office of Hawaiian Affairs in which only Native Hawaiians can vote or stand as candidates violated the 15th amendment. Specifically, the court did **NOT make a ruling with regard to the 14th amendment stating**, “It is a matter of some dispute, for instance, whether Congress may treat the native Hawaiians as it does the Indian tribes . . . We can stay far off that difficult terrain however.” The appointment of 4 Native Hawaiians on a 10 member stewardship authority is not an election and does not prevent non-Hawaiians from being appointed to the remaining 6 out of 10 positions.

Moreover, from 1900 to 2021, the U.S. Congress passed 240 laws in recognition of a special trust relationship with Native Hawaiians as the indigenous people of Hawai‘i. Outstanding among these

are the 1921 Hawaiian Homes Act, the 1959 Admission Act, the 1974 Native American Programs Act, the Native American Religious Freedom Act and the Public Law 103-150 Apology. In 2016, the Department of Interior, under President Barack Obama, recognized that “The Native Hawaiian community has a unique legal relationship with the United States, as well as inherent sovereign authority that has not been abrogated or relinquished, as evidenced by Congress’s consistent treatment of this community over an extended period of time.” The U.S. Department of Interior established a rule, 43-CFR Part 50, that created a pathway for the re-establishment of a government-to-government relationship between a Native Hawaiian sovereign governing entity and the U.S. government. The U.S. Congress and Department of Interior have set a clear precedent for the passage of legislation acknowledging the unique standing of Native Hawaiians as an indigenous people with unique indigenous rights, because Native Hawaiians are not a racial group or a race and to do so is not a violation of the U.S. Constitution’s 14th amendment.

At the state level, the Hawai‘i State Constitution has several articles and sections acknowledging the special trust relationship of the State of Hawai‘i government to the Native Hawaiian people. Article V. Section 4 states, "English and Hawaiian shall be the official language of Hawai'i." Article X. Section 4 states: "The State shall promote the study of Hawaiian culture, history and language. Article XII adopted the Hawaiian Homes Commission Act into the Hawai'i State Constitution, as mandated under the Admissions Act. Article XII. Section 5 established the Office of Hawaiian Affairs.

Article XII. Section 4 states: "The lands granted to the State of Hawai'i by Section 5(b) of the Admission Act, excluding therefrom land defined as "available lands" by Section 203 of the Hawaiian Homes Commission Act 1920, as amended, shall be held by the state as a public trust for native Hawaiians and the general public." As Mauna A Wākea is part of the public trust for which Native Hawaiians are one of two beneficiaries, it is both fair and just to have Native Hawaiians serve as members of the stewardship authority for Mauna A Wākea.

Article XII. Section 7 states: “The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.” Having Native Hawaiians who are lineal descendants of Hawaiian practitioners and are practitioners of traditional and customary Native Hawaiian beliefs, customs and practices serve on the stewardship authority for Mauna A Wākea is clearly fair and justified.

I will also like to point out that Act 195, passed by the Hawai‘i state legislature in 2015 formally recognized the Native Hawaiian people as the only indigenous, aboriginal, maoli people of Hawai'i.

In summary, there is sufficient precedent and foundation for having four of the 10 members of the proposed stewardship authority for Mauna A Wākea be Native Hawaiian residents of Hawai‘i county. Including Native Hawaiians on the stewardship authority for Mauna A Wākea is more than justified, it is essential to the successful management of the Mauna as the Wao Akua that our ancestors acknowledged it to be. The University of Hawai‘i has allowed this most sacred mountain summit to become degraded to the point that commercial use of the summit has taken precedence over reverence

and respect for it. It is timely to set up a stewardship authority to elevate the Mauna as our Native Hawaiian ancestors had done.

Let us bring to fruition the words that were offered by the Mauna a Wākea Working Group:

He lā hou kēia ma Mauna a Wākea.

A new day has indeed arrived on Mauna a Wākea.

Me ke aloha no Mauna a Wākea.

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the Thirty Meter Telescope protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki. HB2024 HD1 is the logical extension of these attempts at appeasement. As a result, while it satisfies the protesters for now, the bill sacrifices core principles of our society, such as freedom of religion and equality before the law, to do it. This bill will not result in pono management of Mauna Kea. It severely underestimates the challenges of managing public land. To be successful, it will need to adopt many of the structures already in place, but without the resources of the University of Hawaii. The bill is focused not on protecting Mauna Kea, but on appeasing the interests of a minority of religious believers. Worse, it accomplishes this appeasement at the expense of all other citizens of Hawaii, including Native Hawaiians with an interest in protecting Mauna Kea's natural environment and cultural resources, supporting astronomy, and plain old fun. Please defer this bill and allow the University of Hawaii to continue its management plans.

To the extent this effort continues, I have the following comments on HB2024 HD1:

A. A guiding principle of this bill should be the creation of a better Hawaii for our keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, in the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

B. The bill creates an impossibly opaque governing structure. To begin, it has an even number of members, which is a recipe for stasis, not consensus. Next, because the protesters are engaged in movement politics, which prioritizes winning over all else, the protesters will focus more energy than anyone on getting protesters appointed to this board, as every appointment will be a "win" for their movement. The bill also creates

unconstitutional racial requirements for board members. This sends the entirely wrong message to our keiki and the world about the aloha spirit. We should be showing our keiki that it is the content of their character that matters, not the color of their skin, or genetic markers in their genes. The structure should be simplified so that even our keiki can understand it. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

1. Governor,
2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

C. Section 6 currently states that the authority shall establish a framework for limiting astronomy on Mauna Kea and eventually eliminating it. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our keiki and is not acceptable. It should not be contemplated, even in theory. We owe that to our keiki.

D. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. If the protesters are going to be given control of Mauna Kea, then at minimum this bill should be accompanied by written agreements from all protester groups that they will not protest the construction of fully permitted projects such as TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

E. All implications in this bill that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: tinyurl.com/Hawaiians4TMT, also attached here. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Our ali'i abolished the kapu religion over 200 years ago, as you can read about

at tinyurl.com/MaunaKeaHistory (page 3), also attached here. Our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

F. We owe it to our keiki to protect their right to religious freedom. The protesters are engaged in "movement politics", and movement politics is all about winning. Winning is the highest priority. Giving the movement small victories does not satisfy the movement, but rather encourages it to keep going. The movement will not stop until the appeasement stops. One key victory demanded by the protesters is that everyone start calling Mauna Kea "Mauna a Wakea". This must stop now. All mentions of Mauna a Wakea should be removed from this bill. Mauna Kea has never been called Mauna a Wakea. This is a modern creation. And it is not a modern creation that should be adopted. Calling Mauna Kea "Mauna a Wakea" is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

G. This cannot be said enough: we owe it to Hawaii's future, our keiki, to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Sam Kalanikupua King, Senate District 13



“I believe totally in getting the new telescope built on Mauna Kea. Our ancestors studied the heavens. Now a new generation of Hawaiians

can have the opportunity to advance what they discovered. A telescope that can accomplish this maintains the sacredness of the mountain. With this and in other ways, we need to be open to the future to carry us forward to the many tomorrows yet to come.”

– **Leimomi o Kamehae Kuamo'o Mo'okini Lum**

The Kahuna of Mo'okini Heeiau



“The historic legacy of Mauna Kea must continue its contribution to scientific knowledge.”

– **Judge Walter Meheula Heen**

First Director of the Office of Mauna Kea Management; former OHA Trustee



“I'm very proud to identify myself as a Native Hawaiian. At the same time, I'm also a scientist, I'm an astronomer and I believe that these two aspects

of me can coexist. And I believe that astronomy and the culture can coexist on Mauna Kea.”

– **Mailani Neal**

Native Hawaiian Astronomy Student; founder of We Support TMT petition



“As a Native Hawaiian, I believe Mauna Kea is a deeply spiritual place. We just need to have the collective will to share the Mauna.”

– **Kalepa Baybayan**

Master Navigator and Captain



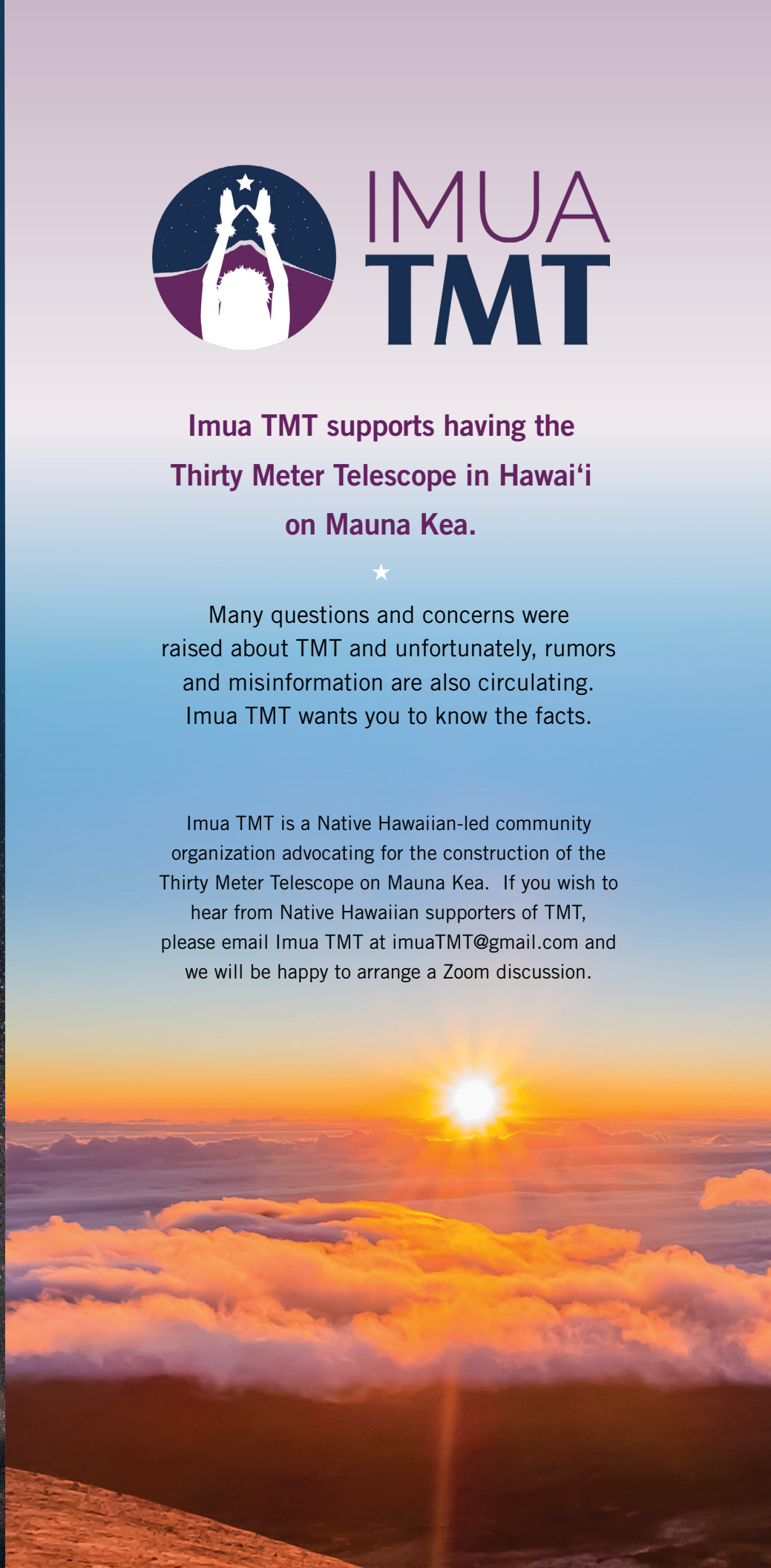
**IMUA
TMT**

Imua TMT supports having the Thirty Meter Telescope in Hawai'i on Mauna Kea.



Many questions and concerns were raised about TMT and unfortunately, rumors and misinformation are also circulating. Imua TMT wants you to know the facts.

Imua TMT is a Native Hawaiian-led community organization advocating for the construction of the Thirty Meter Telescope on Mauna Kea. If you wish to hear from Native Hawaiian supporters of TMT, please email Imua TMT at imuaTMT@gmail.com and we will be happy to arrange a Zoom discussion.



How Hawai'i Benefits from TMT



"We support astronomy in Hawai'i as a clean, sustainable industry. The best astronomy on the planet is from Mauna Kea. Astronomy is a

part of our stargazing, navigating heritage throughout Polynesia."

– **Malia Martin**
Founder, Imua TMT



"I think telescopes maintain the sanctity of the mauna, worshipping the sky through observation and servicing a goal of bringing

humankind closer to understanding creation of life in the universe. It isn't traditional but neither were the ahū erected on the mauna, which didn't diminish their sanctity to those who built it. It isn't Hawaiians versus desecration. It isn't a war on culture and science. It isn't an issue where only Native Hawaiians get to have a say because we are no longer the only ones who live here."

– **Kauionalani Onodera**
Mechanical Engineer



"I am in support of TMT and I can't wait to take my kids up there to look at the stars."

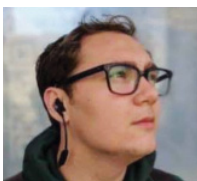
– **Ikaika Kamaiopili**
Native Hawaiian TMT Supporter



"I see Mauna Kea as a special place that allows us to understand and study our origins. As one's origin and genealogy are critical aspects

of Hawaiian culture, I view the pursuit of astronomy on Mauna Kea to be a beautiful blend of culture and science."

– **Heather Kaluna**
Astronomer, UH



"He kanaka 'ōiwi au ā me kāko'o au i ka 'ohe nānā kanakolu mika. I am a Native Hawaiian and I support the TMT."

– **Naea Stevens**
Native Hawaiian

■ **Educating Hawai'i's Keiki** – TMT launched The Hawai'i Island New Knowledge (THINK) Fund in 2014 to better prepare Hawai'i Island students to master STEM and to become the workforce for higher paying science and technology jobs in Hawai'i's 21st century economy. For the past five years TMT has made an annual contribution of \$1 million to the Fund. To date, through the Hawai'i Community Foundation and Pauahi Foundation, TMT has provided over \$5.5 million for Hawai'i Island students, their families and teachers.

■ **Paying Rent** – Since 2014 TMT has paid \$300,000 in lease rent. This will increase throughout construction to \$600,000 when the structure is built, \$700,000 when the instruments and mirrors are placed, and \$900,000 in the 10th year of construction. After that, TMT will pay \$1 million a year for the 50 years the telescope is in operation.

\$800,000 of TMT's \$1,000,000 annual rent will go directly to the Office of Mauna Kea Management, which is responsible for enforcing the telescopes' leases, protecting Mauna Kea's environment, and preserving cultural sites.

■ **Native Hawaiian Programs** – 20% of TMT's annual \$1M lease rent will go to the Office of Hawaiian Affairs for the benefit of the native Hawaiian population it serves. \$250,000 of TMT's \$1M annual contributions to the THINK fund goes to the Pauahi Foundation, which provides college scholarships exclusively for Native Hawaiian students.

■ **Diversify the Economy** – TMT will bring hundreds of millions of dollars in construction revenue for Hawai'i-based companies. TMT will create 300 union construction jobs. TMT will allow the University of Hawai'i to attract billions of research dollars. TMT will revitalize the astronomy sector, ensuring future large-scale diversification of our economy.

■ **Long-Term Jobs on Hawai'i Island** – once completed, TMT will expend about \$40 million annually in observatory operations and employ about 140 employees. TMT's commitment is to fill these positions with as many Hawai'i residents as possible.

TMT will continue funding the seven-year-old Workforce Pipeline Program, and increase the funding to \$1 million dollars per year. This will continue the programs that will lead to a highly qualified pool of local workers.

■ **Scientific Research and Discoveries** – TMT will add to the best astronomical research in the world that is happening on Mauna Kea, cementing Hawai'i's reputation as the international leader in astronomical science. The University of Hawai'i's nationally recognized Institute for Astronomy will also benefit from the important infrastructure TMT will provide to enhance students' learning by studying the universe.

■ **TMT Support During COVID-19** – TMT donated \$100,000 to the The Food Basket – Hawai'i Island's food bank during COVID-19 lockdowns. TMT provided \$50,000 for an on-line STEM program in collaboration with Hawai'i Science and Technology Museum which launched at Hilo Intermediate School in June. TMT's Hawai'i staff have been sewing masks and donating them to an on-island foster children program!

RUMOR

REALITY

Mauna Kea is sacred to all Native Hawaiians

Any claim that Mauna Kea as a whole was sacred to Native Hawaiians was extinguished, as a Hawaiian matter, 200 years ago when Mo'i Liholiho aka Kamehameha II proclaimed "Ai noa", free eating, and broke the centuries old 'ai kapu by eating with his mother Keopuolani and Kuhina nui, Ka'ahumanu. Liholiho and his Kahuna Nui Hewahewa ordered the destruction of the kapu religion and its shrines. Liholiho then defeated the last adherents to the Kapu system at the Battle of Kuamo'o in 1819, ending once and for all any claims of special political status for the Kapu religion as a Hawaiian matter.

Furthermore, as explained by Kahuna Leimomi Lum, a telescope that can advance the celestial studies of our ancestors maintains the sacredness of Mauna Kea, even as a matter of Kapu doctrine.

Finally, there is actually no documented evidence that Mauna Kea was particularly sacred to Native Hawaiians in a way that prohibited digging on the summit or any use at all. Indeed, our ancestors mined rock out of Mauna Kea in an area 100 times the size of the TMT site.

TMT development plan does not respect Hawaiian cultural practices.

TMT site and its vicinity were not used for traditional and customary native Hawaiian practices conducted elsewhere on Mauna Kea, such as depositing piko, quarrying rock for adzes or gathering water from Lake Waiau.

The TMT site is not on the summit ridge which is arguably more important culturally than the plateau 500 feet lower where TMT will be built.

TMT's management plan for Mauna Kea specifically provides for cultural, ceremonial or religious activity.

TMT will block views from the summit ridge of the rising sun, setting sun, or Haleakalā.

One of the reasons for the choice of the TMT site was the fact that it cannot be seen from the actual summit or from Lake Waiau or Pu'u Liiinoe. The view of TMT from the summit is blocked by the northern ridge of Kukahau'ula. Where it would be visible, other large telescopes are already in view.

Contaminants from TMT — whether from construction or the observatory itself — will leach into the island's groundwater.

Hydrologists, both independent and paid to work on the EIS, have determined there is no reasonable prospect of adverse impact on groundwater. TMT will install a zero-discharge wastewater system, with all wastewater collected and transported off the mountain in double-lined tankers for proper treatment and disposal. The closest drinking water wells, at Waiki'i, are 12 miles away and those in Waimea, Hamakua, and Hilo are an even greater distance from the Mauna Kea summit area. The best hydrological data we have indicates that, even if contaminants were released in the summit region, it would take several thousand years to reach any existing drinking water well on Mauna Kea's flanks — a time much longer than natural degradation processes would require to completely break down any potential contaminants.

Hawaiians have not been heard regarding TMT.

There has been over a decade of litigation; two contested case hearings, the second of which lasted 44 days and heard from 71 witnesses; and an entire volume of the 3-volume EIS included letters and other input from many of the opponents (as well as supporters) of TMT. The truth is when pro-TMT Hawaiians speak up they are shouted down by the loud, vocal, minority protesting the telescope.

Mauna Kea is Crown Land therefore descendants living today own the mountain.

The last sovereign, Queen Lili'uokalani, placed all of her property in a charitable trust for the benefit of orphan and indigent Hawaiian children known as the, Queen Lili'uokalani Trust. She herself had no descendants.

It would be better to build TMT in place of one of the existing observatories.

The decision was made specifically to not place the TMT at the site of one of the existing summit ridge facilities. The reason was that doing so would require a large amount of grading, most of it in wekiu habitat, and because the visual impact would be much greater.

Dynamite will be used to prepare the TMT site for construction and TMT will be nuclear powered.

No dynamite will be used in the construction of TMT and TMT will not be nuclear powered. It will draw electricity from the Big Island's grid.

There remain culturally significant architectural sites or protected species at the TMT location.

Extensive environmental impact studies have identified no such areas on the five-acre site. The nearest site of cultural significance is located 200 yards away from the TMT location. Similarly, the wekiu bug — an insect endemic to the region that was once considered threatened (but is no longer) — nests in cinder cones that are not close to the TMT site and, other than on a small portion of the access road, will not be disturbed during construction.



"I'm a Hawaiian, and I fully understand the cultural and environmental effects TMT may have on Mauna Kea. But I also believe

that the scientific, financial, educational, and economic benefits that come with TMT will make vast improvements on the Big Island. Hawai'i can be the front runner for astronomy, something our ancestors always believe in. Imua TMT."

– **Bernard-Benjamin Villa**
UH Hilo, Performing Arts



"If Kamehameha I was ruling Mauna Kea today, he would build a heiau (temple) platform and mount the TMT on it."

– **Peter Apo**
Former Trustee, Office of Hawaiian Affairs



"The TMT is made up of the Pacific Rim nations of Canada, the US, Japan, India, and China. What better purpose can we aspire to than cooperation among

nations, rather than war? And what better place for cooperation than on Mauna Kea, in Hawai'i, the land of Aloha?"

– **Richard Ha**
Hawaiian Businessman



"As a resident of Hawai'i island, and a Native Hawaiian, I believe that our Island provides a living laboratory for science. From mauka to makai

we can access astronomy, volcanology, geology, and marine sciences. We need to be leaders in melding science and culture because as we already know, the Hawaiians had a strong and prospering society before western contact. Science can learn from us, and while we cannot go back, we can move forward together! Just as Hokulea relied on both traditional navigation supported by the instruments of their escort vessel, we need to find a way to embrace each other and become leaders for the world. "

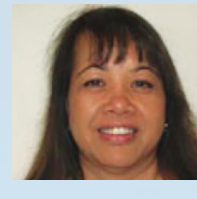
– **Angela Thomas**
Educator from Waimea



"The TMT project is like a search for the aumakua or ancestral origins of the universe. How is this any different from us as Native Hawaiians

searching for own roots in things both natural and spiritual?"

– **Wallace Ishibashi**
Senior Advisor, OMKM



"I am proud that my lineage includes both Native Hawaiian and Native American plus other Polynesian, European, and

Asian ancestry. I am grateful to have been born and raised in Hawai'i with Hawaiian values, thought processes, and traditions. AND I support TMT which does not mean that as a Native Hawaiian, all is forgotten and forgiven."

– **Jacqui Hoover**
Executive Director of Hawaii Island Economic Development Board



"The TMT is poised to make the most important discovery of all time: life on another planet. It'd be cool to

give that planet a Hawaiian name. A name that will spread the Hawaiian language to every corner of the globe and into perpetuity."

– **Chris King**
Computer Engineer



"The reason we support TMT is because we believe it is being done the right way. We really need these STEM jobs and Hawai'i Island is so limited.

We told them that we needed more funding for STEM education to pay their fair share of rent and they listened. They followed through."

– **Amber Imai-Hong**
Hawai'i Space Flight Laboratory



"I am a proud Hawaiian, I have true Aloha for our people of Hawai'i and the 'Aina. At the same time, I believe our world is ever changing, and

so must we. I believe in the importance of education, knowledge, and cultivating a desire to learn in our Keiki. Years ago, we arrived to these great lands, guided by the stars. Let the heavens guide us now. I support TMT."

– **Melanie Long**
Hawai'i Business Owner

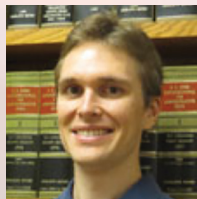
"It will afford me unfeigned satisfaction if my kingdom can add its quota toward the successful accomplishment of the most important astronomical observation of the present century and assist, however humbly, the enlightened nations of the earth in these costly enterprises."

– **King David Kalākaua**
on Hawai'i's role in the observations of the Venus Transit of December 8, 1874



imuatmt.org

<https://tinyurl.com/ImuaTMTpanels>



"TMT will bring millions of dollars in investments and jobs to Hawai'i, while simultaneously ensuring that Hawai'i, its people,

and our ideas remain at the forefront of human scientific endeavor."

– **Samuel W. King II**
Attorney

The Historical Context for Sacredness, Title, and Decision Making in Hawai'i: Implications for TMT on Maunakea

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ABSTRACT

This analysis describes the historical background on sacredness, title, and land use decision making in Hawai'i and implications for TMT on Maunakea based on reliable probative evidence, peer-reviewed publications, and binding legal decisions. TMT is sited well away from summit regions where traditional cultural practices occur. Excavation and industrial use of Maunakea occurred under the *kapu* system prior to arrival of Europeans in 1778. The Kingdom of Hawai'i abolished the *kapu* in 1819 and codified separation of church and state. Decision making relevant to the TMT issue before and after the overthrow of the monarchy was ancestry/background-neutral. Title for Maunakea has always rested with the government for the benefit of all citizens. Land use disputes were adjudicated by a government entity; the legal process in the State of Hawaii continues this policy and enshrines further protections for traditional and customary Hawaiian practices.

This record informs recent statements by the Canada Long-Range Plan 2020 (LRP) and the Canadian Astronomical Society (CASCA). When applied to TMT on Maunakea and taken purely at face value, the framework identified in the LRP and recently stated by CASCA is ahistorical, unconstitutional, and does not seem to consider steps taken to achieve free, prior, and informed consent through the process mandated by Hawaii state law which protects traditional and customary rights of Hawaiians. *However*, a request for actions addressing broader issues animating protests against TMT would be more feasible. The LRP's current formulation and CASCA's statement should thus be clarified. The US Decadal Survey 2020 should likewise avoid misunderstandings.

1. INTRODUCTION

The *Thirty Meter Telescope* (TMT) is an optical/infrared telescope planned for construction on Maunakea, an inactive shield volcano on Hawai'i island, supported by the University of Hawai'i and an international consortium that includes partners in the United States and Canada [1]. Plans for a construction start in 2019 were disrupted by protesters, many of whom believe that Maunakea's sacredness precludes any construction. Understandably, the astronomy community seeks support for transformative science that *also* obtains the support of local communities and clearly follows legal procedures for approval [see 2; 3].

Drawing from their interpretation of the United Nation's *Declaration of the Rights of Indigenous Peoples* [4], especially Articles 19 and 26, the *Canada Long-Range Plan 2020* (LRP) describes this support and an appropriate process as "... centering on consent from Indigenous Peoples and traditional title holders" [5]. While perspectives could vary, one possible interpretation could be that Native Hawaiians as a group would have to provide a special and separate legal approval to TMT construction before it could proceed. Another could be that that telescope opponents themselves would have to agree to construction before it could proceed. Yet another could question whether the process in Hawai'i did not carefully weigh traditional and customary rights for Hawaiians at all.

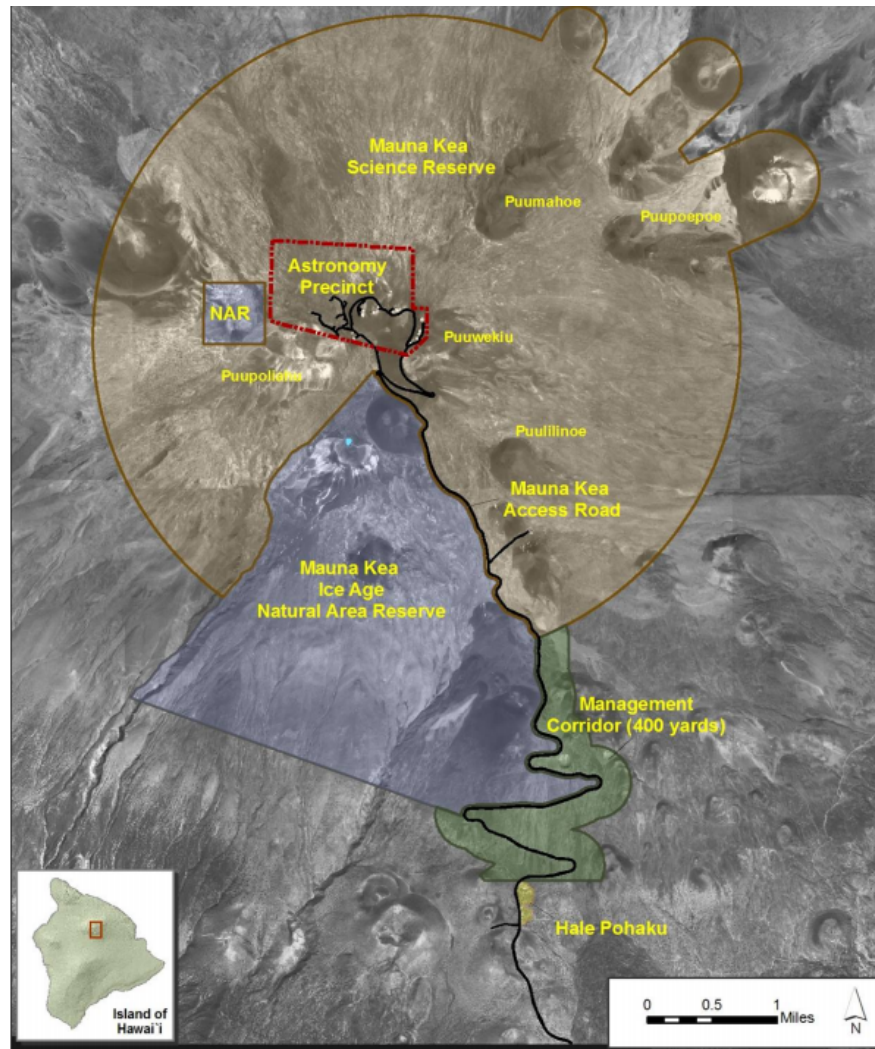


Figure 1. Map of Maunakea from official State of Hawaii government documents (<https://dlnr.hawaii.gov/mk/files/2016/10/Ex.-A-009.pdf>) . The adze quarries cover much of the area outside the Astronomy Precinct shaded in brown. The TMT site is located near and slightly smaller than the first 'c' in Precinct.

We describe the historical background to these issues in Hawai'i – sacredness, title, and decision making on land use – and their implications for TMT on Maunakea based on reliable probative evidence, peer-reviewed publications, and binding legal opinions in Hawai'i. In particular, we center sources that were written by Hawaiians, in the Hawaiian language, and/or by the government during the Hawaiian Kingdom era.

The record informs aspects of the LRP's formulation and, especially, recent public statement on this issue by the *Canadian Astronomical Society* [6] relevant to 1) their factual accuracy and historical basis, 2) their constitutionality according to US law, 3) the nature of their envisioned decision making framework for Hawai'i, and 4) their consideration of steps taken to achieve free, prior, and informed consent versus the process mandated by Hawaii state law¹.

2. SACREDNESS IN HAWAI'I BEFORE, DURING, AND AFTER THE HAWAIIAN KINGDOM ERA

In ancient Hawai'i (prior to contact with Captain James Cook in 1778), the only well documented system governing personal and religious practices, laws, and regulations was the *kapu* system, a widespread system of Polynesian religious beliefs and practices. Hawai'i's version may have been directly influenced by priest, chief (*ali'i*), and navigator Pa'oa who is said to have arrived in Hawai'i from Tahiti sometime in the 12th or 13th century CE [7]. All activities were

¹ We emphasize that the implications of this article do **not** necessarily compel CASCA to endorse a simple resumption to a full construction schedule irrespective of any other steps. Should TMT – as a part of the US ELT Program – be considered for federal funding through the National Science Foundation, additional consultation will be required before project completion as a part of the *National Environmental Protection Act* (NEPA) process. Additional measures – including those only within the power of the federal government – may be helpful. Rather, the article simply requests that foreign institutions not impose an ahistorical, artificial framework for resolving this matter.

governed by the *kapu* religion [7, Chapters 1, 11, 18, 21, 23-24, 25-33, 35]. Thus, any historically-grounded verifiable claims of sacredness prior to 1778, as a solely Hawaiian matter, derive from the *kapu* system.

Archaeological evidence demonstrates that, *while the kapu system was in effect*, Hawaiians utilized Maunakea as a valuable resource for industrial activities for over 500 years until the time of western contact [8; 9]. Hawaiians excavated the upper slopes of Maunakea for stone of exceptional quality to make tools. As described by Hawaiian cultural practitioner and master navigator Kalepa Baybayan during the TMT contested case hearing, “[t]hey ... shaped the environment by quarrying rock, left behind evidence of their work, and took materials off the mountain to serve their communities, within the presence and with full consent of their gods.” [9; 10]. This adze quarry complex covers an area over 900 times the size of the permitted TMT site, which itself is small compared to the entire astronomy precinct [Figure 1; 9].

Hawaiians overthrew the *kapu* system in 1819 by themselves, *before* the arrival of American missionaries and without the support of western powers like Great Britain, France, or the United States. On October 4, 1819, Kamehameha II, who became king after the death of his father Kamehameha I (the founder of the Hawaiian Kingdom), ate dinner with Queen Ka‘ahumanu, Kamehameha I’s favored wife, and Queen Keōpūolani, the mother of Kamehameha II. The prohibition on men and women eating together, the *‘ai kapu*, was one of the most ancient kapus or prohibitions: the penalty for its violation was death. Violating the *‘ai kapu* at a public dinner, as Kamehameha II did, was a clear signal that the *kapu* system was abolished given Kamehameha II’s status as King, Kahamumanu’s status as Queen Regent, and Keōpūolani’s status as Queen. The guests at the dinner cried out “*‘ai noa!*” (free eating). Afterwards, Kamehameha II – with the support of his high priest Hewahewa – ordered the destruction of the ancient *heiau* temples [7, Chapter 11][11, Chapter 10] [12].

After the breaking of the *kapu*, a brief civil war then broke out, with Kamehameha I’s nephew, Kekuaokalani, opposing. Kekuaokalani’s forces were defeated by Kamehameha II’s at Kuamo‘o [12]. The victory by Kamehameha II’s forces established, as a matter of Hawaiian political history, that no Hawaiian could impose *kapu* prohibitions on another ever again.

The Hawaiian Kingdom issued binding Constitutions in 1840, 1852, 1864, and 1887. Each constitution explicitly granted all citizens freedom of religion “according to the dictates of their own consciences”, not according to an official state-authorized religious organization [13; 14; 15; 16]. The 1852, 1864, and 1887 constitutions further clarified that religious freedoms are protected, so long as they do not interfere with “the peace and safety of [the Hawaiian] Kingdom”.

The public-facing beliefs of the *mo‘i* (monarchs) of the Hawaiian Kingdom from Kamehameha II onwards provided no evidence that the *kapu* system or corpus of traditional (i.e. pre-western contact) religious beliefs were considered normative, including any surrounding Maunakea. Successors to Kamehameha II were either members of the Congregational Church or Church of Hawai‘i (Anglican). The last monarch of Hawai‘i, Queen Lili‘oukalani, was a particularly devout Protestant Christian whose autobiography contains a vivid description of and affinity with Mauna Loa and the crater lake of Kilauea but no similar focus on (or even mention of) Maunakea [17, Chapter 11].

Irrespective of the *kapu* system governing personal conduct, actual beliefs and practices of the *maka‘ainana* (i.e. commoners) and *ali‘i* (nobles) prior to European contact regarding deities varied wildly [e.g. see 7, Chapter 23]: individual beliefs and practices were not necessarily representative of Hawaiians as a whole. Major deities common to Hawaiians regardless of class were *Kanaloa* (ocean), *Kāne* (sky), *Kū* (war), and *Lono* (fertility); *Lau-huki* and *La‘ahana* were worshipped only by women. As detailed by Hawaiian historian David Malo in *Hawaiian Antiquities*, some of the gods one idolized and worshipped depended on one’s occupation (e.g. those who made canoes vs. fisherman); some gods were worshipped by the *maka‘ainana* but not the *ali‘i* and vice versa. Some had no god at all (atheists or *aia*). Scattered pre-western religious practices of the *maka‘ainana* remaining after the *kapu* system was overthrown were almost exclusively localized, focusing on *‘aumākuā* (personal, family gods), not public religious ceremonies devoted to gods idolized prior to western contact [18].

Despite the non-uniformity of beliefs and practices across Hawai‘i prior to and after the *kapu*’s abolition, the historical record does provide ample evidence that *some* parts of the Maunakea summit were used for traditional and customary practices, many of which continue today, supporting the view that at least parts of Maunakea were considered by some individuals to be a sacred landscape [19; 20]. The record shows that Hawaiians have traditionally brought *piko* (umbilical cord) to Lake Waiau (southwest portion of summit) or buried on top of various *pu‘u* (cinder cones). Organizations such as the *Royal Order of Kamehameha I* have constructed *lele* (sacrificial alter or stand) on the

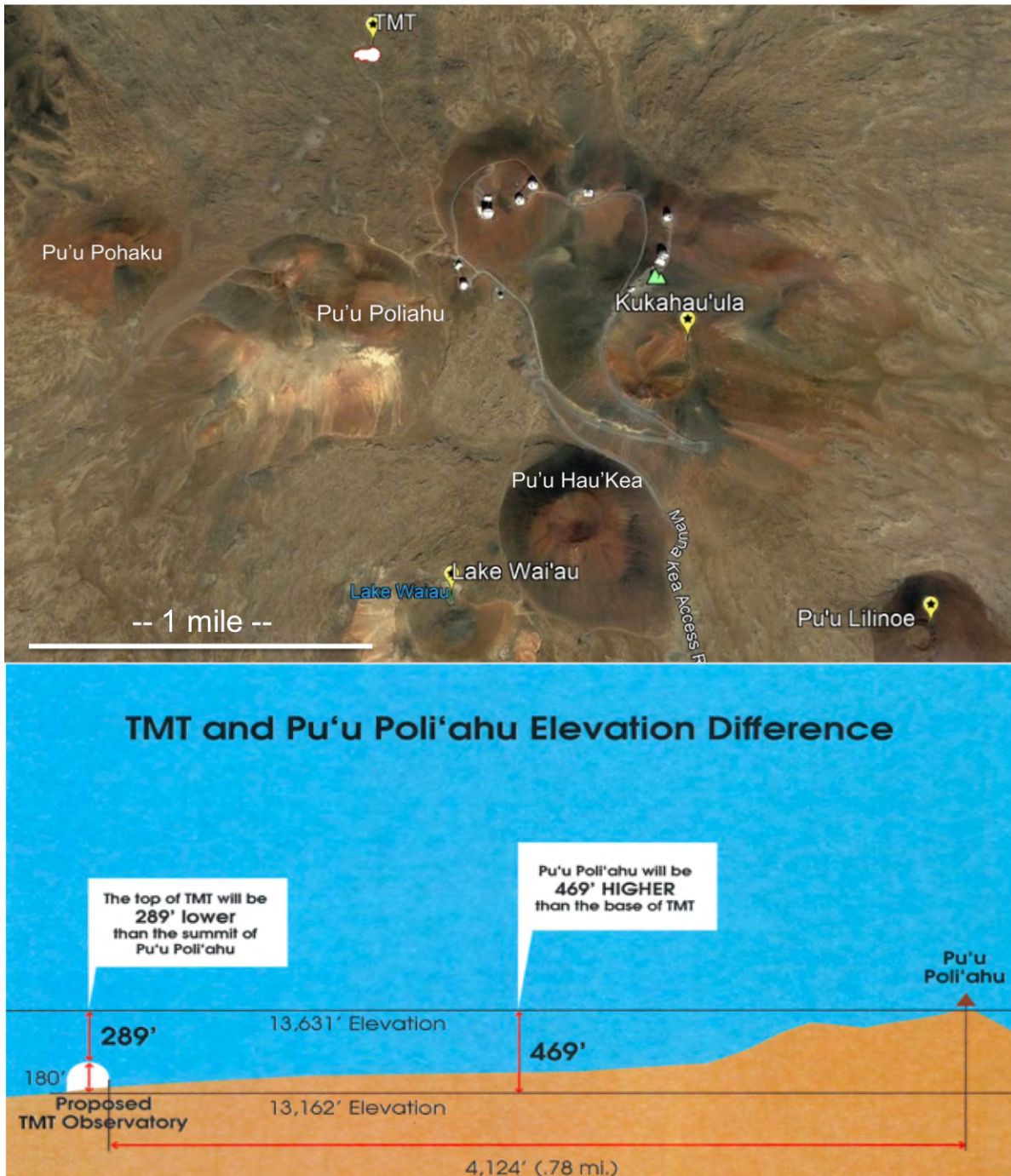


Figure 2. (Top) Satellite image of the Maunakea summit area focused on the Astronomy Precinct (source: Google Earth. TMT is well away from cultural practice areas on Maunakea: Pu'u Poli'ahu (0.78 mi), Lake Wai'au (1.42 mi), Pu'u Weiku (1.16 mi), and Pu'u Lilinoe (2.02 mi). TMT will not be visible from culturally sensitive sites the summit of Kukahau'ula, Pu'u Lilinoe, and Lake Wai'au. (Bottom) TMT cannot interfere with the viewplane to Haleakalā or the setting of the sun at Pu'u Poli'ahu. (from Exhibit C-20) in the TMT contested case hearing.

summit near the current telescopes. Others have constructed *ahu* (altar or shrine for ceremonial purposes) at various places on the summit. Practices devoted to snow goddess *Poli‘ahu* have been longstanding [20; 21]².

However, the record shows that TMT itself will not impact these long-standing practices (Figure 2) [9]. The TMT site has not historically been used for traditional or customary practices – e.g. building of *ahus*, depositing of *piko* – and has not been used by current practitioners for such practices. Furthermore, TMT cannot block viewplanes associated with cultural practices elsewhere and is not visible from the most culturally sensitive sites such as Lake Waiiau. As a result of its consultation with cultural practitioners, TMT incorporated other steps, including being a zero-waste facility and selecting the observatory’s appearance to blend in with its surroundings as much as possible.

Ahupuaa of Kaohe Mauka

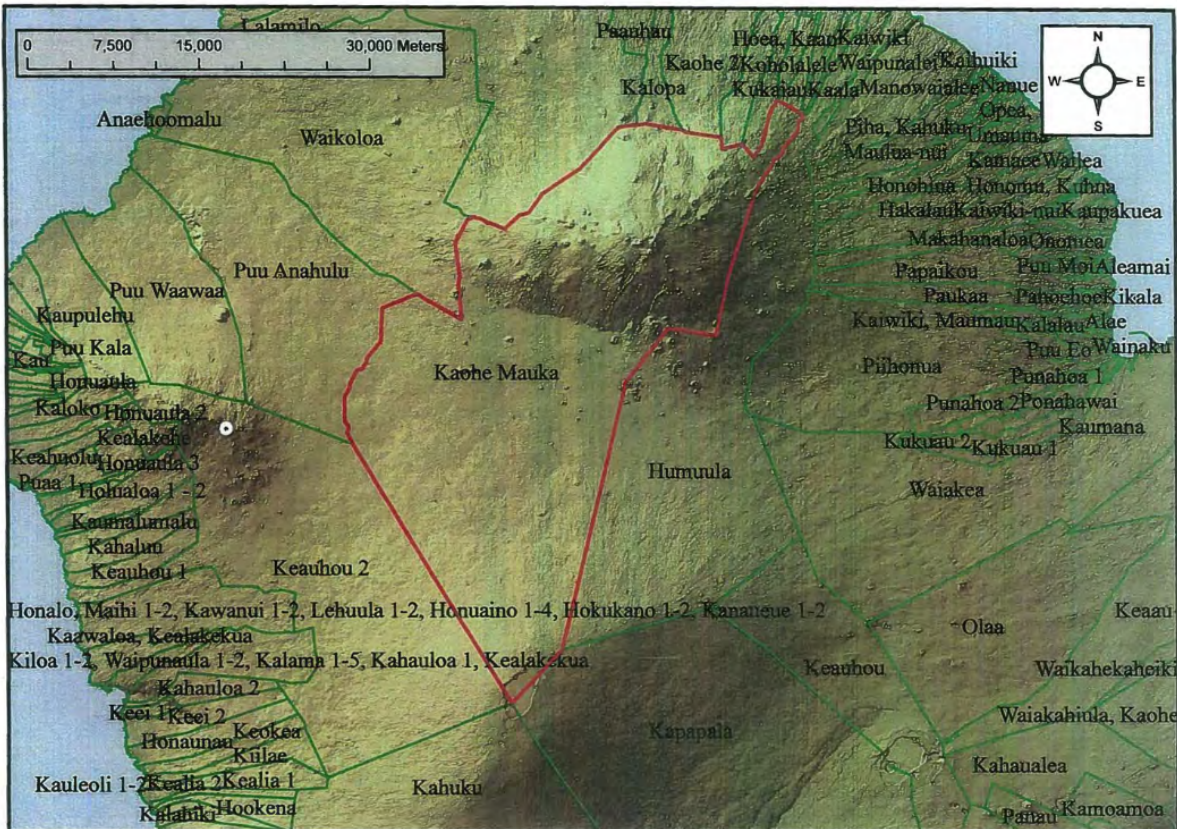


Figure 3. Land division map from the Office of Conservation and Coastal Lands for the State of Hawaii as listed as page 1 of Exhibit A-008 in the *Thirty Meter Telescope* contested case hearing. The Maunakea summit lies within the Kaohe Mauka (mountain) land division, which is Government Land.

3. HISTORICAL OWNERSHIP OF MAUNAKEA

Pre-western contact Hawai‘i followed a feudal system of land tenure, where the *mo‘i* (kings) were supreme owners of all the land. In different divisions such as *ahupua‘a*, the chiefs and *konohiki* managed and the *maka‘ainana* tended this land [7; 23]. The 1840 Constitution affirmed that all the land in Hawai‘i belongs to the reigning monarch [13]. However, in 1848, the *Great Mahele* (great land division) abolished this system, dividing the land into three categories: that reserved for the monarchy (Crown Lands)³, that reserved for the government itself to support public works

² Some traditions hold that the name of the mountain itself confers cultural/religious symbolism. The name “Maunakea” is usually translated as “white mountain”. An alternate rendering of the name associated with some *mo‘olelo* (stories) and *mele* (songs) is “*Ka Mauna A Wākea*” (*lit.* The Mountain of Wākea). Malo describes *Wākea* and spouse *Papahānaumoku* (or *Papa*) as the literal progenitors of the Hawaiian people [7]; *Wākea* is listed first in the genealogy of *mo‘i* and described as a man or demi-god [see also 22]. In the *Kumulipo* (Hawaiian chant of creation), *Wākea* and *Papa* are instead described as the Sky Father and Earth Mother, respectively, who are responsible for creating the Hawaiian islands although some scholars (e.g. Beckwith) question their overall centrality in the chant and Maunakea itself is not directly mentioned. The *mele hanau* (birth chant) of Kamehameha III, composed in 1814 (prior to the *kapu*’s abolishment), does give *Wākea* divine attributes and tie him to Maunakea. Otherwise, the earliest written accounts described in Maly (Section III) list the name of mountain simply as “Mauna Kea” or “Mouna Kea”, consistent with the “white mountain” interpretation.

³ Originally, the Crown Lands were considered to be the personal property of the monarch. However, in 1864 the Supreme Court of the Kingdom of Hawai‘i clarified that they belong to the office of monarchy [31].

and government interests (Government Lands), and Konohiki lands reserved for the *ali'i* and *konohiki* (who were administrators for the *ahupua'a*)⁴.

The responsibilities of the government and intent of use differed with respect to the Crown and Government Lands. The Crown Lands were owned by the monarchy. Since only Hawaiians were *mo'i* and the Crown Lands were seen as held in trust for the *maka'ainana*, some scholars argue that *kanaka maoli* (indigenous Hawaiians) have a “particular linkage” to the Crown Lands. Government Lands were different, “utilized as general Public Lands to support the Government and the *general* population” [23]. Thus even some scholars such as van Dyke who interpret Crown lands as reserved primarily for Native Hawaiians⁵ nevertheless concede that “it can be argued that [Government Lands] should continue to be used by successor governments for the same purpose of serving the entire population” (pg. 382).

During the Kingdom era from the *Great Mahele* onwards, the summit of Maunakea was designated as Government lands whose disposition was overseen by the Minister of the Interior [23; 19]. Maly affirms that the Maunakea summit regions above 9,000 ft elevation – where the current observatories and TMT’s site are located – are within the Kaohe *ahupua'a* categorized as Government Land, whereas (eastern) parts of the Maunakea upper slopes sit on Crown Lands (pg. 280). The current land division roughly follows these boundaries (Figure 2).

Prior to 1850, the *maka'ainana* could cultivate land on which they lived while paying tribute to the *konohiki*. Through the Kuleana Act of 1850, *maka'ainana* could gain fee simple titles to land they occupied and improved. The amended version of the Kuleana Act ensured that *maka'ainana* living on land owned by the chiefs after the Mahele have access for “traditional and customary gathering rights, rights to drinking water and running water, and the right of way” on land in which they live [24]. By 1850, the Government could offer/sell land to others (including citizens and foreigners). This radical re-envisioning of land use claims was adjudicated by the Land Commission, a government entity. The process of gaining title then required personal testimonies regarding an applicant’s residencies and land use practices and a hearing before the Land Commission. Maly transcribes hundreds of pages of testimony from residents to define prior use of and boundaries for different land divisions. Over a nine year period, the Commission heard nearly 12,000 individual claims and the *Indices of Awards Made By the Board of Commissioners to Quiet Land Titles in the Hawaiian Islands* (hereafter, *Indices*) lists these awards in ten volumes [26].

The historical record thoroughly detailed in the *Indices* and Maly provides numerous examples of *maka'ainana* seeking to claim title to lands throughout Hawai'i. However, it **provides no evidence during the Kingdom era of one group defined purely by ethnicity or religious group as traditional title holders of the Maunakea summit**. Ownership remained with the government. The only traditional lessees on record were ranchers whose focus was grazing land at elevations well below the summit [19, at 370-372, 420-421]⁶; the *Indices* shows only one *maka'ainana* title within Kaohe *ahupua'a*, which focused on a 7-acre plot at low elevations for crop cultivation (e.g. coffee, taro). Maly reports no other lessees to the summit of Maunakea prior to 1893. It remained unsold Government Lands.

After the overthrow of the monarchy in 1893, Crown and Government lands were incorporated into “Public Lands” by the Republic of Hawai'i [23, at 192]. Title to Maunakea was transferred to the US federal government after annexation in 1898 under the Newlands Resolution, which stated that Public Lands (the former Crown and Government Lands) shall be used “for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes”. Ownership of the former Crown and Government Lands were then transferred to the state of Hawaii in 1959 under the Admissions Act “as a public trust to promote various public purposes” [32]. Article XII, Section 4 of the Hawaii State Constitution clarifies that the beneficiaries of this trust includes the general public.

In all cases, the traditional title holders of the Maunakea summit were successive governments who were mandated to use this land for the benefit of the *general* public. The unanimous United States Supreme Court decision in *State of Hawaii v. Office of Hawaiian Affairs* (2009) tacitly upheld this interpretation, affirming that the State holds an unclouded title to these lands [32] (see also acknowledgement of this position cited in van Dyke, referencing *Delima*

⁴ We acknowledge that the *Great Mahele* itself is controversial. Kamehameha III likely advocated for it as an insurance policy against *maka'ainana* completely losing land rights in case of conquest from Western powers. This outcome was considered a possibility by the 1840s: e.g. see the Paulet Affair in 1843, where the British Navy occupied Hawai'i, briefly coercing a cessation of Hawai'i and creating a new government, until military and diplomatic intervention by the United States helped restore sovereignty. Its practical consequence is that non-Hawaiians owned a significantly greater proportion of land in the Kingdom of Hawai'i than Hawaiians by 1890 [23]. However, even from this skeptical stance, Maunakea cannot be seen as yet another land tract wrested away from the *maka'ainana* by foreigners due to new land use rules since the land title always remained with the government.

⁵ This interpretation may conflict with the 1900 Organic Act and, more importantly, Hawaiian Kingdom law, which by the mid 1840s clearly allowed non-Hawaiians to be considered as native subjects with equal rights. Early statute laws stated that “all persons born within the jurisdiction of this kingdom, whether of alien foreigners of naturalized or of native parents ... shall be deemed to owe native allegiance to His Majesty ...” and “... shall be amenable to the laws of this kingdom as *native subjects*” [27; 25]. The Kingdom of Hawai'i Supreme Court upheld this interpretation in *Naone v. Thurston* (1856) [28]. The 1859 civil code further clarifies: “Every foreigner so naturalized, shall be deemed to all intents and purposes a native of the Hawaiian Islands ...” and “... shall be entitled to all the rights, privileges and immunities of an Hawaiian subject.” [29]. Regardless of interpretation, the intent of the Crown Lands is less relevant for the Maunakea summit, since the summit was designated as Government Lands.

⁶ An Australian rancher (Francis Spencer) acquiring leased land between Maunakea and Mauna Loa. In 1891, The Humuula Sheep Station Company and Samuel Parker (of Parker Ranch) both leased land on Maunakea partially overlapping with the summit regions.

v. Bidwell[33] *Texas v. White*[34]). The Supreme Court of the State of Hawaii in *State v. Kaulia* “reaffirms that ‘[w]hatever may be said of the lawfulness’ of its origins, ‘the State of Hawaii ... is now a lawful government”[35]⁷.

4. DECISION MAKING DURING THE HAWAIIAN KINGDOM ERA

The united political entity known as “Hawai‘i” began life taking key steps to being a multi-ethnic society. Prior to conquest by King Kamehameha I, Hawai‘i was a collection of separate Kingdoms[11]. Two of Kamehameha’s non-native advisors who aided in his conquest[11], John Young and Isaac Davis, were made into *ali‘i* before the archipelago was united as the Kingdom of Hawaii. They married Hawaiian chiefesses and they were subject to the Kapu religions strictures. They remained *ali‘i* after the kingdom’s establishment and were given power as governors of various islands when Kamehameha was traveling [36; 37]. Young was made governor of the island of Hawai‘i. Davis acted as Governor of Oahu. An American, Oliver Holmes, was also made governor of the island of O‘ahu in 1810 after Davis’ death [25]. Despite not having been born in Hawai‘i prior to 1778, these residents were integrated into the Hawaiian political and religious system.

By 1840, the Kingdom of Hawai‘i transformed into a constitutional monarchy modeled after Great Britain, granting voting rights and citizenship regardless of background [25], and instituting a popularly-elected legislature (the House of Commons) to pass laws. Hawaiian Kingdom statute law promulgated in 1846 and then in 1859 as well as Hawai‘i Supreme Court decisions clearly considered anyone born in Hawai‘i as well as foreign, naturalized citizens to be *native* subjects [27; 28; 29].

Non-Hawaiians were allowed to hold positions of power and decision making as equals (e.g. judicial appointments, elected members of the legislature). For instance, many justices appointed by the reigning Kings to the Hawai‘i Supreme Court were in whole or in part from American or European background. Aside from a brief interval where those of Asian ancestry were disenfranchised through discriminatory language and treaty requirements (1887-1894)⁹, a race-neutral system of governance defined the Kingdom era from the mid 1840’s onward.

Successive Hawaiian Kingdom constitutions codified a background-neutral approach for decision making [25]. The first (1840) constitution had no racial restrictions on voting or representation [13]. The second (1850) constitution likewise had no racial requirements for voting, election to the house of representatives, or requirements for Hawaiian-only consent for laws passed [14] (see articles 73, 76, 77, and 78). The Government itself owned Government Lands. Government Lands could be sold, but otherwise decisions about how such land was to be used rested in the government – the monarchy, the legislature, or another government agency like the Land Commission – and not in an individual or specific group [25; 31]. While the reigning monarch historically was always full Hawaiian, John Young’s half-Hawaiian son Keoni Ana acted as the first Kuhina Nui, a special counselor who could veto the actions of the King. Members of the legislature and the Land Commission included both Hawaiians and non Hawaiians. Even the history of the monarchy could have turned out differently. Queen Emma, widow of Kamehameha IV, was the granddaughter of John Young (Englishman and advisor to Kamehameha I). After Kamehameha IV died (1874), she ran for royal election but was defeated by King David Kalākaua.

5. CONTEMPORARY LAND USE LAW, DECISION MAKING IN THE STATE OF HAWAII, AND FEDERAL GUIDELINES

TMT faced and successfully completed a drawn out, legal steeplechase in order to obtain a permit to construct an observatory on Maunakea. In order to obtain a permit, TMT had to demonstrate that rights outlined for Native Hawaiians in the State of Hawaii Constitution and subsequent Hawaii Supreme Court cases would not be violated and that it would not cause a substantial adverse impact to traditional and customary practices. We focus separately on the mechanics of the process followed, including approval/consent obtained from various organizations, the specific legal standards used to evaluate the observatory’s permit, and federal guidelines on decision making.

5.1. *The Process*

⁷ Contemporary debates on land rights in Hawai‘i for Native Hawaiians are often cast within the context of sovereignty and self determination. Some recent scholars – van Dyke, for example – argue passionately that the Crown lands are tracts that should form the basis for a future Hawaiian Nation, a federally-recognized entity separate from the state of Hawaii with a government-to-government relationship with the United States. The authors of this work represent diverse perspectives on this matter, from preservation of the status quo to federal recognition to possible secession and independence from the United States. However, they agree on the historical basis for title for the Maunakea summit rests with whichever government holding title to the summit is in power, currently the State of Hawaii. Thus, the facts presented in this work describing *past* title are independent of each author’s preferred *future* political arrangement for Hawai‘i.

⁸ These conclusions do **not** in any way provide an excuse or justification for the overthrow of the Hawaiian monarchy in 1893 or the annexation of Hawaii by the United States on moral grounds. As evidenced by the Ku‘e petitions, annexation faced significant public opposition from many Hawaiians [30]: some non-Hawaiians were also in opposition [23].

⁹ This disenfranchisement resulted from the 1887 Constitution, also known as the “Bayonet Constitution” signed by King Kalākaua. As it was signed under coercion, the Bayonet Constitution is viewed as suspect and its disenfranchisement of those from Asian ancestry – who were by 1893 the majority group in Hawaii – is an aberration [25].

Land use decisions in the State of Hawaii relevant to TMT require a Conservation District Use Permit application (CDUA) to the State’s *Board of Land and Natural Resources* (BLNR). To help evaluate the CDUA and render an informed land board decision, TMT was required by State law to obtain an Environmental Impact Statement (EIS). Key community components of the EIS process included public scoping meetings through Hawai’i island to freely inform community members of the project specifics prior to a permit application and solicit input on the project. Hawaiians with cultural practices on Maunakea, including those who had publicly opposed astronomy development in the past, were deliberately sought out for consultation. The project was required to respond to *every single* written public comment obtained as a consequence of the EIS process [38](Volume 2); it identified mitigation measures to address community concerns. The 2000+ page EIS found that TMT would cause no significant impact to Maunakea’s natural and cultural resources [38].

Prior to submitting a CDUA, various governmental and Hawai’i community entities voiced consent for TMT. The governor of Hawai’i reviewed and approved the findings of TMT’s EIS [39]. Concurrently, the *Maunakea Management Board* (MKMB) comprised of local community leaders who advise the University of Hawai’i on management of Maunakea approved the TMT project [40]. During the MKMB discussion on TMT, *Kahu Kū Mauna* – the community based council drawn from the Hawaiian community – had the opportunity to object to the TMT project but declined to do so. In not objecting to TMT, *Kahu Kū Mauna* noted that TMT “has demonstrated intentions of responsible tenancy”¹⁰. One month later, the University of Hawai’i Board of Regents gave official approval for TMT [41]. The *Office of Hawaiian Affairs* (OHA) unanimously voiced support for TMT in 2009.¹¹

Under Hawaii State Law, residents wishing to challenge the potential issuance of a Conservation District Use Permit (CDUP) on the state’s conservation district land may request a contested case hearing, a quasi-judicial proceeding consisting of presented evidence and cross-examination and overseen by a hearing’s officer (usually a judge) who then recommends a permit decision to BLNR. Residents can further appeal the issuance of a CDUP to the State of Hawaii Circuit Court, Intermediate Court of Appeals, and then the Supreme Court.

TMT went through the CDUP application and appeal process twice. Both times, BLNR issued TMT a CDUP after considering the full contested case hearing record and recommendation of the hearing’s officer. Its original permit (issued in 2013) was struck down in 2015 due entirely to a procedural error made by BLNR [42]. TMT regained its permit in 2017 [9], and its permit was upheld by the Hawaii Supreme Court in 2018 [43].

5.2. *The Legal Standard for TMT in Hawai’i*

The Constitution of the State of Hawaii (1978), statute law, and subsequent Hawaii Supreme Court decisions enshrine protection for traditional and customary rights for Hawaiians and define the strict criteria under which TMT gained an approved construction permit.

Article XII, Section 7 of the Hawaii State Constitution declares that the “[s]tate reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by *ahupua’a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights.” The 1992 *Pele Defense Fund* Hawaii Supreme Court decision held that these rights may extend beyond the *ahupua’a* where a Native Hawaiian resides to regions outside “where they have been customarily and traditionally exercised” [24; 44]. The Court’s decision in *Public Access Shoreline Hawai’i* (commonly known as *PASH*) affirmed that all government agencies undertaking or approving development of undeveloped land are required to determine if native Hawaiian gathering rights have been customarily and traditionally practiced on the land in question and explore the possibilities for preserving them [45].

The Court’s *Ka Pa’aki* decision provided a stringent framework “to help ensure the enforcement of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests” [46]. Specifically, it imposed an affirmative duty on BLNR to determine the following with respect to the TMT project:

1. the identity and scope of valued cultural, historical, or natural resources ... including the extent to which traditional and customary Native Hawaiian rights are exercised in the [TMT project] area,
2. the extent to which those resources - including traditional and customary Native Hawaiian rights - will be affected or impaired,

¹⁰ At the time, *Kahu Kū Mauna* was chaired by Kumu Ed Stevens, a well-known Hawaiian cultural practitioner who had spoken out publicly against astronomy development on Maunakea in the past <https://www.latimes.com/archives/la-xpm-2001-mar-18-mn-39418-story.html>. Kumu Stevens’ support for the *Thirty Meter Telescope* is documented in *Volume 3 of the TMT EIS*.

¹¹ OHA changed to “no position” (i.e. effectively neutral) in 2015 after a pressure campaign from TMT opponents.

3. and the feasible action to be taken by the agency to reasonably protect Native Hawaiian rights if they are found to exist.

Article XI, Section 1 of the Hawaii State Constitution holds that all public natural resources, including Maunakea summit land, are held in trust for the state, for the benefit of the people. This section requires a “balancing between the requirements of conservation and protection of public natural resources, on the one hand, and the development and utilization of these resources on the other in a manner consistent with their conservation” [43, pg. 48].

Finally, Hawaii Administrative Rule 13-5-30(c) lists the eight criteria for evaluating the merits of TMT’s permit application. For instance, criterion 4 states that the “proposed land use will not cause substantial adverse impact to existing natural resources within the surrounding area, community, or region” [47].

The BLNR decision approving TMT’s permit and Hawaii Supreme Court decision upholding the permit issuance describe in depth how TMT’s permit is consistent with state constitutional law, properly addresses the *Ka Pa‘aki* analysis, is consistent with the Public Trust Doctrine, and satisfies the eight criteria [9; 43]¹². For example, in satisfying *Ka Pa‘aki*, BLNR found no Native Hawaiian cultural resources or traditional or customary practices within the TMT project area and found that TMT will not adversely impact cultural resources elsewhere. During the contested case hearing, TMT opponents themselves did not claim any traditional and customary practices on the TMT site.

5.3. Federal Restrictions on Decision Making in Hawai‘i

An amendment to the Hawaii State Constitution in 1978 created the *Office of Hawaiian Affairs* (OHA), a state agency tasked with administering state resources for the benefit of Hawaiians. Originally, the right to vote in OHA elections was restricted to Native Hawaiians or Hawaiians¹³.

However, in *Rice v. Cayetano*[48], the US Supreme Court struck down the race-based voting requirement for OHA because it violated the Fifteenth Amendment to the United States Constitution¹⁴. Furthermore, in *Arakaki v. State of Hawaii*, the 9th Circuit Court of Appeals affirmed the US District Court’s holding held that state laws denying the right of non-Hawaiians to run for office of OHA trustee were unconstitutional racial discrimination violating the Fifteenth Amendments and the Voting Rights Act [49; 25]. The key argument underlying these decisions is under US law that neither OHA (and no other organization focused on Hawaiians) nor Hawaiians as-such function as a *tribe*, which can impose an ancestral restriction on decision making. The US Supreme Court has explained that because tribes on the mainland United States retained some elements of quasi-sovereign authority related to self-governance, a non-indigenous person can lack voting rights in a tribal election because such elections are the internal affair of a quasi-sovereign government predating outside contact and not created by the US federal government or a state government”[48, as quoted in 21]. Hawaii is also different as by design and in practice it was a multi-ethnic, secular nation.

Citing the 1993 Apology Resolution[50], in 2008 the Hawaii Supreme Court held that the state was restricted from transferring publicly held land – Crown land – for private development until the claims of Native Hawaiians had been resolved as a result of a federal reconciliation process[51]. However, in *State of Hawaii v. OHA* the US Supreme Court unanimously overruled the state court’s decision, returning decision making power to the state [52].

In summary, there is currently no Hawaiian government that could possibly be granted legally enforceable decision making power with respect to TMT, any other observatory on Maunakea, or any other structure elsewhere on public lands¹⁵. Such a government would have to be created by the United States. The US Supreme Court further affirms that decision making power for land use rests with the State of Hawaii.

6. IMPLICATIONS FOR TMT ON MAUNAKEA

The record described above corrects what is a skewed understanding of Maunakea’s cultural significance and land title and the decision-making process for land use held by some on the mainland. Whether or not Maunakea is/was deemed sacred, excavation and industrial use on Maunakea was historically permitted alongside the *kapu* system. Very early in the Hawaiian Kingdom’s history, the *kapu* system was abolished and freedom of religion established,

¹² For instance, these topics are covered in the Hawaii Supreme Court decision on pages 32-42 and 47-62.

¹³ Here, Native Hawaiians were defined as “any descendant of not less than one-half part of the races inhabiting the Hawaiian Islands previous to 1778”. Hawaiians were defined as any descendant[s] of the aboriginal peoples inhabiting the Hawaiian islands ... in 1778, and which peoples thereafter have continued to reside in Hawaii”

¹⁴ The plaintiff in this case, Harold Rice, was a rancher of European descent whose family had lived in Hawaii since the mid 1800s. The Fifteenth Amendment states that the right to vote “shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude”.

¹⁵ See Section V.A in Hanifin [25] for a detailed discussion of significant legal and logistical challenges in creating a Hawaiian government independent of the State of Hawaii that has a government-to-government relationship with the United States.

eliminating the ability of the government or any group within Hawai'i to impose religious land-use prohibitions on others. The public-facing beliefs of the Hawaiian Kingdom's monarchs provide no evidence of religious beliefs centered around Maunakea that could be considered historically normative for Kingdom subjects. While traditional cultural practices do occur on Maunakea, they do not occur on or near the TMT site. TMT would not interfere with practices elsewhere.

The record described above also clearly shows that the concept of decision making implied in referenced sources contained in the *Canada Long Range Plan 2020* is ahistorical and the sources' implicit identification of Maunakea's traditional title holders is factually incorrect. With one brief exception, voting rights and decision making in the legislature and judiciary were race-neutral. An arm of the government – who represented *all* of the Kingdom of Hawai'i's citizens, regardless of background – adjudicated land use disputes. The title holders of Maunakea were/are the reigning government itself.

Furthermore, the LRP and CASCA statements does not appear to consider significant steps taken by the State of Hawaii to 1) achieve free, prior, and informed consent through the process mandated by Hawaii state law and 2) safeguard traditional and customary rights for Hawaiians. Going further than what was required during the Kingdom era, the State of Hawaii's approach for land use decisions confers significant deference to traditional practices. In order to obtain approval for a construction permit on Maunakea, TMT had to undergo a decade long legal process, including community consultation and development of mitigation measures. It had to be consistent with enumerated rights in the Hawaii State Constitution. It had an affirmative duty to demonstrate that it did not adversely impact traditional and customary practices. TMT met all of these requirements.

Perhaps most importantly, the LRP and CASCA's statements taken at face value are unworkable. There is no system for obtaining consent from Native Hawaiians as-such, especially one carrying legal force, in the same way Canada or the United States obtains consent for projects from First Nations groups on traditional tribal lands. Whatever the intrinsic merits of a Hawaiian-only decision making process, the US Supreme Court precludes the kind suggested by these statements. Leaders in Hawai'i representing governmental agencies are elected by popular vote by residents without regard to background, including those whose focus relates to Hawaiians. Exceptions to this framework have been swiftly and decisively struck down by the US Supreme Court.

Hawaiians themselves have diverse and passionate opinions on TMT. OHA, the state agency charged with addressing the concerns of Native Hawaiians, currently has no position on TMT, and supported the project until they were subject to a pressure campaign from telescope opponents based on many factually incorrect statements popular on social media [53; 54; 55]. *Kahu Kū Mauna*, the group of Native Hawaiians established by the University of Hawai'i to advise on Native Hawaiian cultural matters, did not object to the project. Some non-Hawai'i residents following media coverage of this issue may believe that proceeding with TMT violates the rights of Hawaiians opposing the project. However, Hawaiian supporters of TMT rightly feel that their rights are violated when opponents are given effective veto power to overturn the results of a free and fair legal process.

The mechanism for Hawaii residents to express their approval/disapproval of TMT or any other similar land use is through the Environmental Impact Statement consultation and contested case hearing processes. Island residents were given extensive opportunities to comment on and object to the project [38]. They were given a full opportunity to challenge the issuance of a permit for TMT before the land board and then appeal a permit before the Hawaii Supreme Court, twice. Residents also elected leaders – Mitch Roth as Hawai'i County mayor in 2020 and David Ige as governor in 2018 – who expressed support for TMT during the campaign vs. rivals who voiced opposition to the project. In this sense, Hawai'i's legitimate legal and political systems consented to the TMT project.

Finally, words matter. Besides putting forth an ahistorical and unworkable framework, the LRP and CASCA's statements have an unintended chilling effect, as they effectively contribute to the further marginalization of the voices of the numerous Hawaiian supporters of TMT and astronomy on Maunakea^{16, 17}. The social pressure on Hawaiians with respect to TMT is *highly asymmetrical*. For the past decade, supporters of the Thirty Meter Telescope on Hawai'i, Hawaiian and non Hawaiian alike, have been the targets of violent threats and intimidation by telescope opponents [56; 54]. Residents of Hawai'i have sat by while the state's leaders fail to prosecute some opponents who block a public highway, desecrate burial sites – placing bones on the TMT site in an attempt to “block” the project – and have left the protest site strewn with trash while damaging rare plants[57; 58; 59]. Former Mayor Harry Kim was found guilty

¹⁶ See, for example, here: <https://twitter.com/KalunaHeather/status/1390793841460977666>

¹⁷ These statements are particularly difficult for the many *kama'aina* who work for the observatories and on Maunakea, relying on them for a livelihood

of ethics violations for non-enforcement of the law and TMT’s safe, legal access [60; 61]. Hawaiians who support TMT – even including those who are cultural practitioners – are nevertheless frequently harassed as “not real Hawaiians”.

Some individual mainland astronomers have unfortunately joined in this marginalization of Hawaiian TMT supporters¹⁸. Their erasure of Hawaiian viewpoints favoring TMT is offensive. Statements of this kind should be denounced just as an email describing TMT opponents as “hordes” were rightly denounced[62].

The statement from the LRP and CASCA – whose leadership contains no individuals who are Hawaiian or from Hawai’i – can be easily read to imply that the Hawaiian TMT supporters stand “against human rights” (as quoted by the LRP co-chair). The LRP does not provide any documented evidence that they consulted any Hawaiian astronomers or Hawaiian TMT supporters prior to formulating their statements. These statements complicate efforts from within Hawai’i to chart an equitable path forward. The LRP/CASCA statements have already been weaponized by hardline opponents within Hawai’i disinterested in compromise.

However, an alternate reading of these statements leads to far more feasible actions: i.e. if the LRP and CASCA *intended* to mean that they support additional community-informed consultation and a *settlement* or similar actions, addressing broader issues for which TMT has become a symbol for some Hawaiians. As demonstrated in the groundbreaking work by Swanner[63], public opposition to astronomy from the Hawaiian community is a rather modern development. Open cultural claims on Maunakea were largely not made until the 1990s, brought to light as a byproduct of astronomy’s consultation with the local community for its management structure (e.g. the 2000 Mauna Kea Science Reserve Master Plan) [63, at 180-203, in particular 187-188]. Any early, prior public concerns about astronomy development on Maunakea drew from hunters and conservationists primarily worried about land management.

In Hawai’i, the strong perception – supported overwhelmingly in Hawai’i public opinion polls – is that **most opposition to TMT has little to do with the telescope itself or astronomy as such**, and far more to do with socioeconomic injustices and issues such as **land rights (especially Hawaiian homelands), the overthrow of the Hawaiian Kingdom in 1893, and land management on Maunakea and elsewhere** [64]. Land on which the TMT protest encampment has figured heavily into protests on these other issues in the recent past [65]. Stymied by lack of progress on these issues and historical injustices, a segment of the Hawaiian community has an opportunity to be better heard due to media awareness from the TMT protests.

The previous CASCA statement on TMT from 2019 [66] and letter on conflict resolution hosted on the CASCA webpage [67] provides a thoughtful, nuanced discussion of various viewpoints on Maunakea from within Hawaii and discussions of what might be included in an equitable path forward. Instead of imposing a framework from outside, these sources acknowledge that the process moving forward in Hawai’i must be determined by people in Hawai’i and signal a commitment to playing a constructive role in an outcome that is a win-win as much as possible¹⁹.

Considering the above, statements relating to TMT in the LRP and from CASCA should be clarified. Future statements from other organizations such as the US Decadal Survey 2020 should avoid similar misunderstandings.

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¹⁸ For example, mainland astronomers have publicly described Hawaiian TMT supporters as similar to African Americans who appear on conservative media outlets to criticize protests against police brutality https://mahalo136.rssing.com/chan-52129232/all_p1.html. Others – who are not Hawaiian nor have ever lived in Hawai’i – nevertheless have described Hawaiian TMT supporters as “infused with settler-colonialist logics”, apparently oblivious to the irony of their statement. Erasure of the Hawaiian community supporting astronomy on Maunakea – including TMT – extends to official documents. For instance, the *Planetary Science and Astrobiology Decadal Survey* paper on “Ethical Exploration and the Role of Planetary Protection in Disrupting Colonial Practices” shoehorns a factually skewed mention of TMT into a discussion on space exploration that erases Hawaiian TMT supporters. This paper’s text was retained despite multiple requests that the authors omit or substantially modify these statements due to their marginalizing language.

¹⁹ We reiterate that the implications of this article do **not** necessarily compel CASCA to endorse a simple resumption to a full construction schedule irrespective of any other steps. Should TMT – as a part of the US ELT Program – be considered for federal funding through the National Science Foundation, additional consultation will be required before project completion as a part of the *National Environmental Protection Act* (NEPA) process. Additional measures to achieve some sort of resolution – including those available only within the power of the US federal government – may be helpful. Rather, the article simply requests that foreign institutions not impose an ahistorical, artificial framework for resolving this matter. Colloquially, “let Hawai’i lead”.

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King’s sixth great-grandfather, Kalaniho‘oulumokuikakai, was killed by Kamehameha I’s forces at the Battle of Nu‘uanu (1795); his daughter, Mahi, married Oliver Holmes who was appointed by Kamehameha I as Governor of O‘ahu. Mr. King’s namesake and great-grandfather Samuel Wilder King was first Native Hawaiian appointed as governor of Hawaii and successfully fought against the creation of Japanese internment camps in Hawai‘i during World War II. The family of his great-grandmother, Pauline Nāwahineokalai‘i Evans, served in the court of Queen Lili‘uokalani. Mr. King’s grandfather, Samuel Pailthorpe King, was a legendary federal judge who co-authored Broken Trust, a book exposing corruption at the largest Ali‘i Trust, Bishop Estate.

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All authors sign on to this document in their personal capacity alone.

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I speak in my individual capacity in opposition to HB2024. The bill's authors had some good intentions but the bill is fundamentally wrong with its direction to eliminate astronomy on Mauna Kea. In addition, there are technical and representational defects.

Astronomy on Mauna Kea is properly viewed as an extension of the Pacific Islands cultures that brought people to these islands. Astronomy has earned high respect. I believe Papa Mau would have supported continued astronomy on Mauna Kea. My friends of Hawaiian ancestry support the continuation of astronomy on Mauna Kea.

Astronomy provides opportunities for our youth to benefit in terms of education, training, inspiration, and pride in the scientific discovery that takes place in our home. As a university educator, I hope my students or their cohorts will have opportunities associated with astronomy and the TMT.

In my personal experience, as an undergraduate I, among others, had the good fortune and opportunity to work for "big science" in a high energy physics lab exploring the nature of fundamental particles - at smallest end of the physical scale -- protons and neutrons. It greatly improved my academic experience and lead to my life-long involvement in computer science-related work. Astronomy does and will make possible many such opportunities for the younger generations in Hawaii.

The presence of astronomy on Mauna Kea is vital for the Hawaii Island community, our state as a whole, and for the economic diversification and world-class nature of the work that goes on there. Please do not pass HB2024 and keep astronomy on Mauna Kea under the latest, improved University of Hawaii plan.

Respectfully, E Malama Pono,

A handwritten signature in cursive script that reads "Daniel C. Smith". The signature is written in black ink and is positioned above the typed contact information.

Daniel C. Smith, PhD
1961 Aamaka Pl.
Pearl City, HI 96782
808-462-8346
smithdan@hawaii.edu

The Written Testimony of Pualani Kanaka'ole Kanahela in **support of HB2024**,
March 22, 2022

Aloha iā 'oukou, to you Chair Mercado, Vice Chair Kidani and members of the Senate Committee of Higher Education. Mahalo nui for this opportunity to bear testimony for Mauna a Wākea

Environmental Kinship and the Importance of Mauna a Wākea

We live on islands, we don't have the choice of land expansion, therefore the ideology of environmental kinship should be foremost in our minds. One of the primary focus of education from Preschool to the University concerning these islands should be "How to live on an island and what is the reciprocal practice of island life? This should be basic, instead we preference continental education. (Not your fault it just whose footsteps we choose to follow.)

Native Hawai'i cosmovision, corpus of knowledge, and praxis emerges from a worldview that includes natural phenomenon as a part of the socio-ecological world of relationships in which all are intimately connected, from an island point of view this should be an everyday reality. Which we don't get in our educational system.

The ancestral idea of life cycle is based on a literal "cycle" of living, birth, reproduction and dying. The term 'ohana applies to this relationship. This, above all, is the single most important element relating to the native Hawai'i concept of environmental kinship. We want to learn to live on these islands because the entire environment is 'ohana

In listening to testimonies in February for HB2024 with those who were against the Bill, the overall theme from these testimonies was "What can the mountain do for me?" The question should be, "What can I do for the mountain?"

HB2024 was written as a foundational tool of how to care for the mauna and eventually how to care for islands. HB2024 begins with 4 basic Kānāwai which are the ancestral "laws of nature" which educates one on: 1) Ho'okikī Kānāwai - the edict of continuum. Flow and movement of magma and lava, also location and flow of water basins, aware of cloud movements, active air and ocean currents, islands continue to be shaped formed and conditioned naturally. 2) He Kua'ā Kānāwai - the edict of gestating landscapes. This includes craters erupting, why and when marshes are active, when coral heads are in season, and when wet forest produces. 3) He Kai'okia Kānāwai - the edict of natural boundaries. Path of the sun, moon, stars from north, south, east, west; horizontal divisions of land, ocean and space above. 4) He Kīho'ihō'i Kānāwai - the edict of regeneration. Immediate restoration of landscape after a flood, lava flow, windstorm, fire. The theory for this edict is that nature will fix itself.

It cannot be, "What can the mountain do for me?" Reciprocation is a necessary environmental kinship. We have to learn to give back in order to survive on islands in the middle of a big ocean. The ocean and the atmosphere are the ruling elements of what comes and goes. I am impressed that the Mauna a Wākea is the highest mountain in the world from the ocean floor. I am impressed and I am proud to live on this island in the shadow of Mauna a Wākea and Maunaloa. Mauna a Wākea worked eons to build itself up and out of the earth's atmosphere.

And no one, no one earned the privilege to cut off the top of the mauna. When the top of the mountain is cut off, erosion begins there. The top of the mauna topped off is an erosional product of man not nature therefore difficult to rectify. The ocean is the King of erosion, beautiful, sandy beaches are erosional products of the ocean. Lesson 1) don't build your house on a sandy beach, it belongs to the ocean. The mauna comes out of the ocean and goes back to the ocean accordingly. The mauna has the right to be "last man standing". Lets take the challenge and work towards that ideology!

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:02:11 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Ha	Individual	Oppose	In Person

Comments:

Aloha Chair Kim and committe members

I oppose HB2024 because it prohibits building a Culture/Science Center above the clouds. My family is Kamahele from lower Puna. My great great grandfather Kamahele Nui signed the Ku'e petition. I learned from the connection with our family land down the beach at Maku'u at the age of 10. My Dad would tell stories of impossible conditions and would pound the table and say; Not, no can. CAN. There are thousand reasons why no can. I looking for the one reason why CAN. He said, Find two answers for every problem and one more just in case. I know how kids can be influenced from a young age.

The Mauna Honua: Culture/Science Center above the clouds is meant to inspire keiki to study math, the skill that they will need for their future, whether they want to pursue astronomy or not. I hope every student on Hawaii Island and statewide will have an opportunity to get the experience of looking into the heavens. I don't know if that hope will ever be realized by HB2024.

Statement of:
Rodrigo Romo
Hilo, HI
Before the Committee on Higher Education
Tuesday, March 22, 2022 @15:00, Conference Room 229

Testimony in opposition to Bill HB2024-HD1 – Relating to Maunakea

Aloha Chair Mercado-Kim, Vice Chair Kidani and members of the committee:

Mahalo for the opportunity to present testimony in strong opposition of HB2024 HD1.

The State is just coming out of a 2year pandemic that had tragic consequences on the economy. Over the past two years, one of the most commonly heard phrases by legislators and public officials was how important it was for the State to diversify its economy so it would not be so dependent on tourism.

Astronomy is an economic driver for the island of Hawaii that infuses over \$100M per year into the local economy. It is headed by the most advanced telescopes in the world located on Maunakea and followed by all the businesses that derive from it that include but are not limited to the support services provided to the observatories, commercial tour operators, local vendors and service shops.

HB2024 talks about returning the mountain above the 9200ft elevation to its natural state. This would eliminate the economic driver lead by astronomy. Nowhere in the bill does it mention how does the state plan to replace that influx to the economy of the island. Instead of promoting economic diversification, this bill accomplishes exactly the opposite.

The selection of a governing board in which 40% of the members are selected based on their ethnicity is another issue that should raise many red flags in this bill. This is using taxpayer dollars to create a governing board with no oversight that is heavily biased towards a small portion of the taxpayers population. The legality of this alone should be questioned.

In the decision making session in the House, where the bill was passed, with many house representatives showing strong objections to its passage, many legislators kept referring to this bill as “work in progress”. Well, if it is “work in progress” wouldn’t it be better to finish the work before passing it into law? Have the legislators who wrote up this bill work on it until the next legislative cycle comes around, that will give them time to finish the work in progress and avoid passing something that by many is seen as not completed yet.

This bill causes irreparable damage to the economy of the Island of Hawaii and does absolutely nothing to address any of the problems afflicting the Native Hawaiian community.

Mahalo.

HB-2024-HD-1

Submitted on: 3/18/2022 5:19:24 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Aaron Stene	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly urge your committee to defer [HB2024](#), which would remove the University of Hawaii from management of Maunakea

The university's management had left a lot to be desired in the past, but their management of the mountain has greatly improved in recent years. In other words, there is no reason to reinvent the wheel, and jeopardize the future of astronomy on Maunakea.

If the new management structure envisioned in HB2024 is put in place, it would cede control of the mountain to the minority that is opposed to astronomy. This would mean the end of astronomy as we know it on Maunakea.

These astronomical facilities contributed \$110 million in direct economic impact for the State of Hawaii in 2019. The indirect economic impact doubled that amount.

These facilities have been made a scapegoat by the minority seeking control of the mountain for their own self centered religious reasons.

The existing management of the mountain should remain in place, as they've become good stewards of the mountain.

The summit of Maunakea should be accessible, and used, by all Hawaii residents, not just Native Hawaiians.

Sincerely,

Aaron Stene

March 15, 2022

Aloha,

I am Wallace A Ishibashi Jr testifying in opposition to HB 2024 and any Senate version assigned to Senate WAM and HRE committees. As the prior DHHL East Hawaii Commissioner I reject this bill and request the members of the WAM and HRE committee to reject this HB2024. The major concern is the unanswered questions that beneficiaries of the Hawaiian Homes Commission Act is entitled to receive.

Based on the lack of proper information needed to make this bill effective and resolve the intent of the working group. The enormous lack of clear actions shows that this very important bill has been on the fast track to completion. This bill is far from complete as other testifiers has articulated. I cannot support giving a blank check to an invisible entity for unknown years to fill in the blanks as they see fit.

-1 Definitions.

"Land" includes all interests therein and natural resources including water, minerals, and all things connected with land, unless expressly provided otherwise.

"Lease" means the right to possess and use land for a term of years.

"Mauna a Wākea" means all real property that is situated on the mountain on the island of Hawaii known variously as Mauna Kea, Maunakea, Mauna O Wakea, Ka Mauna a Kea, or Mauna Akea.

"Mauna a Wākea lands" means all lands held in trust or otherwise controlled by the Mauna a Wākea stewardship authority.

"Person" includes an individual, a partnership, a corporation, or an association, except as otherwise defined in this chapter.

This new yet unknown members of the stewardship authority has no jurisdiction over our Aina Mauna Lands of DHHL. For House leadership to fast track and propose such a bill as HB2024 without consulting with DHHL beneficiaries first is insulting and a blatant disregard for the best interest of our people.

-7 Jurisdiction. (a) The authority shall have jurisdiction over Mauna a Wākea lands that are state-managed lands above the six thousand five hundred foot elevation line, inclusive of Pu'u Huluhulu to the summit of Mauna a Wākea.

(b) For lands outside of the authority's jurisdiction on Mauna a Wākea above the six thousand five hundred foot elevation line, the authority shall enter into cooperative agreements, as necessary, with the department of Hawaiian home lands, county of Hawaii, and private landowners whose lands are within the jurisdictional boundaries.

The Hawaiian Homes Commission has control of all designated and identified lands above six thousand five-hundred-foot elevation line as DHHL Aina Mauna lands. (56,000 plus acres) So many un-asked questions and un-answered concerns that needs to be asked and answered prior to any resolutions can be reached.

-8 Transfer. The department of land and natural resources shall transfer to the authority the title to the lands described in section -7(a), together with all existing encumbrances. The lands under the jurisdiction of the authority shall be held in trust as part of the public land trust; provided that the lands under the jurisdiction of the authority shall not be deemed public lands as defined in section 171-2; provided further that the State shall transfer management and control of the lands to a sovereign Native Hawaiian entity upon its recognition by the United States and the State of Hawaii.

***DHHL is a federal mandate, Congress approval required.
Is this an attempt to eliminate DHHL and Commission
authority, Amend the Admissions Act? Unanswered?***

-9 Advisory groups; astronomy; native Hawaiian culture. (a) The authority may establish advisory groups to advise the authority in its management of Mauna a Wākea; provided that the authority shall establish an astronomy advisory group and native Hawaiian advisory group, with preference for Hawaii island resident participation, to provide advice and guidance to the authority on their respective subject matters.

(b) Any advisory groups established pursuant to this section shall convene regularly and be consulted on a broad range of issues relating to their respective purview.

A DHHL representative should automatically have a seat on this new managing entity or advisory group. Taking 56,000 acres of Aina Mauna lands and displace beneficiaries already waiting on the wait list for Aina Mauna lands has evil intent, This continued violence, oppression and submersion of our beneficiaries.

-11 Access and use; restrictions; orientation; entryway.

(a) The authority may prohibit commercial use and activities, except for astronomy use and activities, above Hale Pōhaku and adopt rules to designate areas for permissible use; provided that the authority's rules shall define "commercial use".

(b) The authority shall require an application for all recreational uses, including fees; consider restrictions on Mauna a Wākea to ensure user compliance; and create guidelines on limits by monitoring the impacts of recreational use over time.

(c) The authority shall require all individuals accessing Mauna a Wākea to undergo an annual orientation anchored by the authority's guiding operational values

and principles; provided that all employees, contractors, leaseholders, and others who regularly access Mauna a Wākea shall have more extensive and frequent training on the authority's guiding operational values and principles.

(d) The authority shall determine an appropriate site for an entryway to Mauna a Wākea as a way to capture information about users, establish an education outreach post, collect fees, and close access to Mauna a Wākea in case of an emergency.

Requiring DHHL lease holders to take an yearly or those who regularly access Maunakea shall have more extensive and frequent training. Maunakea is now being proposed as all inclusive any lands above the six thousand five-hundred-foot elevation line.

We have a few DHHL lease holders ranching on Aina Mauna? How are they or future lease holders effected by this proposal?

Is it only fair to allow consultation first before ill drafted bills are submitted? I guess not.

-12 Lease provisions; generally. Every lease issued by the authority shall contain:

(1) The specific use or uses to which the land is to be employed;

(2) The improvements required; provided that a minimum reasonable time be allowed for the completion of the improvements;

(3) Restrictions against alienation as set forth in section -13;

(4) The rent, as established by the authority or at public auction, which shall be payable no more than one year in advance, in monthly, quarterly, semiannual, or annual payments;

(5) Where applicable, adequate protection of forests, watershed areas, game management areas, wildlife sanctuaries, and public hunting areas, reservation of rights-of-way and access to other public lands, public hunting areas, game management areas, or public beaches, and prevention of nuisance and waste; and

(6) Such other terms and conditions as the authority deems advisable to more nearly effectuate the purposes of the state constitution and of this chapter.

*How would this section effect DHHL wait listers?
waiting to ranch, waiting to farm? house lots? waiting
for economic opportunities? Broken trust no need fix,
broken.*

-13 Lease restrictions; generally. (a) Except as otherwise provided, the following restrictions shall apply to all leases:

(1) Options for renewal of terms are prohibited;

(2) No lease shall be for a longer term than sixty-five years;

(3) No lease shall be made for any land under a lease that has more than two years to run;

(4) No lease shall be made to any person who is in arrears in the payment of taxes, rents, or other obligations owed to the State or any county;

(5) No lease shall be transferable or assignable, except by devise, bequest, or intestate succession; provided that with the approval of the authority, the assignment

and transfer of a lease or unit thereof may be made in accordance with current industry standards, as determined by the authority; provided further that prior to the approval of any assignment of lease, the authority shall have the right to review and approve the consideration to be paid by the assignee and may condition its consent to the assignment of the lease on payment by the lessee of a premium based on the amount by which the consideration for the assignment, whether by cash, credit, or otherwise, exceeds the depreciated cost of improvements and trade fixtures being transferred to the assignee; provided further that with respect to state agricultural leases, in the event of foreclosure, the premium, if any, shall be assessed only after the encumbrances of record and any other advances made by the holder of a security interest are paid;

(6) The lessee shall not sublet the whole or any part of the demised premises, except with the approval of the authority; provided that prior to the approval, the authority shall have the right to review and approve the rent to be charged to the sublessee; provided further that in the case where the lessee is required to pay rent based on a percentage of its gross receipts, the receipts of the sublessee shall be included as part of the lessee's gross receipts; provided further that the authority shall have the right to review and, if necessary, revise the rent of the demised premises based upon the rental rate charged to the sublessee, including the percentage rent, if applicable, and provided that the rent may not be revised downward;

(7) The lease shall be for a specific use or uses and shall not include waste lands, unless it is impractical to provide otherwise; and

(8) Mineral and metallic rights and surface and ground water shall be reserved to the State.

(b) The authority, from time to time, upon the issuance or during the term of any intensive agricultural, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease, may:

(1) Modify or eliminate any of the restrictions specified in subsection (a);

(2) Extend or modify the fixed rental period of the lease; provided that the aggregate of the initial term and any extension granted shall not exceed sixty-five years; or

(3) Extend the term of the lease,

to the extent necessary to qualify the lease for mortgage lending or guaranty purposes with any federal mortgage lending agency, to qualify the lessee for any state or private lending institution loan, private loan guaranteed by the State, or any loan in which the State and any private lender participates, or to amortize the cost of substantial improvements to the demised premises that are paid for by the lessee without institutional financing.

(c) Any extension authorized pursuant to subsection (b) shall be based on the economic life of the improvements as determined by the authority or an independent appraiser; provided that the approval of any extension shall be subject to the following:

(1) The demised premises have been used substantially for the purpose for which they were originally leased;

(2) The aggregate of the initial term and any extension granted shall not be for more than sixty-five years;

(3) In the event of a reopening, the rental for any ensuing period shall be the fair market rental at the time of reopening;

(4) Any federal or private lending institution shall be qualified to do business in the State;

(5) Proceeds of any mortgage or loan shall be used solely for the operations or improvements on the demised premises;

(6) Where improvements are financed by the lessee, the lessee shall submit receipts of expenditures within a time period specified by the authority or else the lease extension shall be canceled; and

(7) The rules of the authority setting forth any additional terms and conditions, which shall ensure and promote the purposes of the demised lands.

(d) The authority, at any time during the term of any intensive agricultural, aquaculture, or mariculture lease and when justified by sound economic practices or other circumstances, may permit an alternative agricultural, aquaculture, or mariculture use or uses for any portion or portions of the land demised. As a condition to permitting alternative uses, the authority may require any other modifications, including rental adjustments or changes in the lease, as may be necessary to effect or accommodate the alternative use or uses. An alternative use or uses may be allowed by the authority upon:

- (1) The application of the lessee;
- (2) Consent of each holder of record having a security interest in the leasehold;
and
- (3) A finding by the authority that the alternative use or uses are in the public interest.

(e) The authority, from time to time during the term of any (a), extend or modify the fixed rental period of the lease, or agriculture, intensive agriculture, aquaculture, commercial, mariculture, special livestock, pasture, or industrial lease, may modify or eliminate any of the restrictions specified in subsection extend the term of the lease upon a showing of significant economic hardship directly caused by:

(1) State disaster, pursuant to chapter 209, including seismic or tidal wave, tsunami, hurricane, volcanic eruption, typhoon, earthquake, flood, or severe drought; or

(2) A taking of a portion of the area of the lease by government action by eminent domain, withdrawal, or conservation easement; provided that the portion taken shall not be less than ten per cent of the entire leased area unless otherwise approved by the authority; provided that the authority determines that the lessee will not be adequately compensated pursuant to the lease provisions.

(f) The approval of any extension granted pursuant to subsection (e) shall be subject to the following:

(1) The demised premises have been used substantially for the purposes for which they were originally leased;

(2) The aggregate of the initial term and any extension granted shall not be for more than fifty-five years;

(3) The rental shall not be less than the rental for the preceding term;

(4) The rules of the authority setting forth any additional terms and conditions, which shall ensure and promote the purposes of the demised lands; and

(5) The length of the extension shall not exceed a reasonable length of time for the purpose of providing relief and shall in no case exceed five years.

Currently we have a 99 year lease from DHHL.HB2024 is clearly a land grab and circumvents the Hawaiian Homes Commission Act. HB2024 was to address the summit access Rd. and UH MANAGED LANDS. How is it now addressing extending or modifying the fixed rental period of a lease, (telescopes yes) but managing housing, agriculture, intensive agriculture, aquaculture, commercial,

mariculture, special livestock, pasture, or industrial lease?

Thier are no ranching or farming opportunities on the summit of Maunakea. Why now? UH had no kuli'ana on DHHL LANDS. NOW this invisible entity wants total control? The Violations continues,

HB2024 and the States false narrative of the admissions act. 100 years of tears continues, promises made promises broken. The violence continues.

Reject this ill produced bill. DLNR should have done their job as the land holders if UH did such a poor job of managing Maunakea. 6 Six months of a working group meetings fixes 50 years of UH management. Yeah right.

Malama Pono

Aeae

HB-2024-HD-1

Submitted on: 3/18/2022 8:48:51 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ronald Taniguchi, Pharm.D.	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2024 HD1 as written. Mahalo

HB-2024-HD-1

Submitted on: 3/19/2022 11:06:44 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Veronica Ohara	Individual	Oppose	Written Testimony Only

Comments:

I am Kanaka Maoli, born and raised on Oahu, my great grandmother was full blooded Hawaiian. I oppose HB2024 because this bill is legislation to pacify the anti TMT protesters.

In the first place the name of the mountain is Maunakea, not Mauna A Wakea. All through our mele, written history of these islands the mountain is Maunakea. Are we to allow a small fringe group rewrite our history and our laws? May I remind you this group has been active on social media with threats of bodily harm to people like me who support astronomy, TMT. This group has left no stone unturned to violate every principal of aloha, placing Kupuna 'Iwi on piles of rocks in the astronomy precinct and thereby introducing ants to a fragile eco-system. We are all too familiar with their tarps, broken cars left of Maunakea. Just because they have Hawaiian blood doesn't mean you can make free with the land.

UH/Maunakea Management has done a good job maintaining the road, caring for the historic properties, cleaning up the invasive weeds, and ensuring that the rare plants continue to flourish.

Astronomy has been supportive for education not only in Hilo but on all the islands. There is the Akamai Internship, the Maunakea Scholars Fund, Think Fund.

Hawaii needs to recognize not all Kanaka are anti TMT.

HB-2024-HD-1

Submitted on: 3/19/2022 8:50:50 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurent remillard	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it does not support astronomy on Maunakea. I believe that the astronomy done on Maunakea is a reason for pride in our state. I also believe that UH has been a great steward of Maunakea over the past decade. I especially appreciate their efforts in securing the weiku but population along with their other efforts in protecting Maunakeas unique ecosystem.

L.J. Remillard

March 19, 2022

Hawai'i State Legislature
31st Legislature, 2022
State of Hawai'i

Subject: OPPOSITION to Bill HB2024 (Mauna Kea Stewardship Authority)

Aloha,

As an education professional, researcher, faculty member at UH Hilo, and resident of the county of Hawai'i for more than two decades, I strongly oppose Bill HB2024 on the Mauna Kea Stewardship Authority as proposed. This bill is based on the original - and very flawed - report of the Maunakea Working Group, and its content remains unsound despite the recent revisions by the House of Representatives. Please, find below my comments on some specific issues:

- I support Native Hawaiian involvement in the future stewardship governance of Maunakea.
- Bill HB2024 is anchored in the very incoherent report of the Maunakea Working Group. This report has been severely criticized, by hundreds of individuals from the public and important community associations and organizations in Hawai'i. That report severely understates the importance and contributions of astronomy conducted from Maunakea for the entire world and for the prestige of the State of Hawai'i. Astronomy has also a large economy impact (more than \$200M according to the recent UHERO report) and offers essential educational opportunities for all residents of Hawai'i. None of that is included in that report, is barely mentioned as well in Bill HB2024, making these working documents very incomplete, shallow, and misleading. Maybe even more importantly, the bill is mostly entirely rooted on the false narrative of the so-called UH "mismanagement" of the mountain. This is also completely erroneous, as everybody knows about the tremendous efforts made by UH in the past two decades in supervising how activities are indeed taking place on Maunakea, while focusing also on improving consultation with the community (as for instance well displayed during the development of the new Master Plan).
- The new governance entity as proposed must be held to the same standards that the University has been held to in the past decades. I do not find improvements upon the already existing management structure as the proposed responsibilities are vague, the timelines are completely unrealistic and many of the suggested procedures are already in place. The complex legal implications of the new governance are also not discussed. On the contrary, I believe the new UH Master Plan proposes a more realistic and sound governance, and that public consultation has been thorough through its development process.

- The bill alludes to “restoring Maunakea to its natural state when ground-based observatories are rendered obsolete due to developments in space-based astronomical technology”. This expresses a complete lack of understanding of how astronomical research is undertaken and how facilities around the world and in space work synergically together to make discoveries, not as competitors. Ground-based facilities are constantly recycled and upgraded, and innovative operational modes keep them scientifically productive for decades. Any person with some background in the history of astronomy will tell you that most discoveries and progress made by space observatories are usually validated by ground-based telescopes, not the reverse! Introducing such a subjective and ignorant criterion – based no doubt on countless and completely unfounded comments often heard on the “obsolete” telescopes on Maunakea - is meaningless and opens the doors to even more controversy in the future.
- I strongly believe that if such a governance entity is adopted, that at least one astronomy representative must be part of its board, especially if astronomy provides some funding. Any changes affecting the astronomy footprint at the summit has many impacts so a representative could provide important guidelines in the decision-making process.
- With its lack of details and risk analysis, Bill HB2024 creates a problematic climate of uncertainty related to the near-future scientific and educational activities linked to Maunakea. It’s rather clear that the whole scheme is designed as an intent to eventually remove all astronomy facilities from Maunakea. I oppose the bill because:
 - The current ensemble of Maunakea Observatories is the most productive research-wise in the world. Observatories also have a strong educational impact, not acknowledged in the report and the Bill. The goal seems to make the future of all existing astronomical facilities on Maunakea very uncertain. Respective agencies in the process of evaluating further investments in their existing facilities (including NASA and the NSF and their important contributions in astronomy and educational opportunities) will be very concerned if such a new governance is put into place, especially since no astronomy representative is proposed to be on the board. The loss of world-class astronomical facilities on Maunakea would be a deep injury for the entire State of Hawai‘i, for all of astronomy in the USA, and worldwide. There have been so many discoveries using the facilities on Maunakea that it is difficult to imagine the state of astronomy today if telescopes had not been built on that superb site.
 - Research activities on Maunakea provide numerous STEM educational opportunities, for hundreds of students across the State of Hawai‘i. At UH Hilo alone for instance, opportunities for students arise in fields like evolutive biology, ornithology, volcanology, astronomy, engineering, geology, robotic space exploration, botany, hydrology, environmental science, ecology, climate change, etc. As mentioned above, the uncertainty surrounding the future access to Maunakea and the potential loss of the observatories as described by the report could have a very negative impact on all these activities, more so if local or federal research funding related to such STEM are affected or reassessed due to an unsound management structure.

Will the loss of such important research, educational and significant facilities be the legacy left to the next generation by of the actual Senate? The situation with Maunakea is indeed complex, but this bill is

even more divisive than anything ever proposed so far to improve the current state of affairs. This is just not the way to move forward. It will be a complete catastrophe if Hawai'i loses its astronomy facilities on Maunakea, tarnishing its prestige, image and value around the world. Is it the vision of the Senate for the future of Hawai'i?

In summary, although I strongly believe that the Native Hawaiians involvement in the governance of Maunakea must be improved, I consider that the current bill does not provide an adequate solution. On the contrary. It is based on a false narrative – that the University of Hawai'i has severely “mismanaged” the mountain – and it offers a poor alternative which will have very negative consequences for the prestige and future of the State as a whole. I believe what is proposed is even more divisive in addressing the complex problems related Maunakea and that HB2024 should not be moved for further consideration and implementation.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. P. Martin".

Dr. R. Pierre Martin
Associate Professor & UH Hilo Educational Telescope Director
Chair, Department of Physics and Astronomy
University of Hawaii at Hilo
Hilo, Hawaii

HB-2024-HD-1

Submitted on: 3/20/2022 2:58:50 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura	Individual	Oppose	Written Testimony Only

Comments:

Please do not destroy **astronomy on Maunakea**- Support for astronomy is a long-standing state policy and a key clean energy, high tech job sector in Hawaii. This bill will kill over 1,000 good paying jobs on Maunakea.

It will take years for the State to launch a new agency. Considering all the details it will take to do so and all legal challenges, this new authority could take years to launch, bringing an end to astronomy on Maunakea. Think about the long-term effects. Science and culture can balance on Maunakea.

Stop taking out your displeasure with UH out on astronomy. Have some pride in our state university.

Don't be short-sighted.

HB-2024-HD-1

Submitted on: 3/20/2022 3:07:15 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laura	Individual	Oppose	Written Testimony Only

Comments:

This bill does not recognize nor acknowledge that astronomy on Maunakea is a state-initiated policy that has built a low-impact high-tech scientific economic generator for Hawaii and the world for over 50 years.

Why cry out for diversifying our economy when a very viable resource like astronomy is now in jeopardy.

Hawaii elected officials need to save astronomy on Maunakea as a National treasure.

The humankind discoveries being made from observatories on the mauna are shaping our world view, while allowing our students to reach for the stars through educational opportunities.

If agencies in Hawaii charged with the betterment of Native Hawaiians would fulfill their missions, perhaps beneficiaries would have better economic conditions to thrive in.

The issue is not Maunakea management, or astronomy or science, it's about Native Hawaiian issues not being addressed.

HB-2024-HD-1

Submitted on: 3/20/2022 3:16:05 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Henry Bruckner	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

A. A guiding principle of this bill should be the creation of a better Hawaii for our keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, in the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

B. The bill creates an impossibly opaque governing structure. To begin, it has an even number of members, which is a recipe for stasis, not consensus. Next, because the protesters are engaged in movement politics, which prioritizes winning over all else, the protesters will focus more energy than anyone on getting protesters appointed to this board, as every appointment will be a "win" for their movement. The bill also creates unconstitutional racial requirements for board members. This sends the entirely wrong message to our keiki and the world about the aloha spirit. We should be showing our keiki that it is the content of their character that matters, not the color of their skin, or genetic markers in their genes. The structure should be simplified so

that even our keiki can understand it. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

1. Governor,
2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

C. Section 6 currently states that the authority shall establish a framework for limiting astronomy on Mauna Kea and eventually eliminating it. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our keiki and is not acceptable. It should not be contemplated, even in theory. We owe that to our keiki.

D. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

E. All implications in this bill that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: tinyurl.com/Hawaiians4TMT. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago, as you can read about at hanahou.com/20.5/the-last-stand. Our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

F. We owe it to our keiki to protect their right to religious freedom. The TMT protesters are engaged in "movement politics", and movement politics is all about winning. Winning is the highest priority. Giving the movement small victories does not satisfy the movement, but rather encourages it to keep going. The movement will not stop until the appeasement stops. One key victory demanded by the TMT protesters is that everyone start calling Mauna Kea "Mauna a Wakea". This must stop now. All mentions of Mauna a Wakea should be removed from this bill. Mauna Kea has never been called Mauna a Wakea. This is a modern creation. And it is not a modern creation that should be adopted. Calling Mauna Kea "Mauna a Wakea" is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's

name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

G. This cannot be said enough: we owe it to Hawaii's future, our keiki, to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Henry Bruckner,

Senate District 24

House District 49

HB-2024-HD-1

Submitted on: 3/20/2022 6:05:50 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Stephen T Hazam	Individual	Oppose	Written Testimony Only

Comments:

Please OPPOSE HB2024 HD1. This bill would create a board heavily weighted to those that oppose science, oppose astronomy and oppose TMT. It would mark the end of astronomy in the state of Hawaii. It would impose a set of religious beliefs held by SOME Native Hawaiians instead of a balanced approach that includes all residents of Hawaii. NO significant investments will be made in Hawaii if a small group of activists are allowed to defy the law and impose their religious beliefs upon the majority.

Please OPPOSE HB2024 HD1

To whom it concerns:

As a long time resident of the Big Island, I'm at a loss as to why this proposal is being seriously considered, as it fails to take into account all the positive aspects of having the World's largest Telescope on one of the very best observational sites on the Planet.

While I respect the beliefs of those who practice the ancient Hawaiian religion & the many wise ways of living on & with the Aina, I see no conflict. The astronomy precinct only covers 525 acres- the rest of the mountain is completely free for all other uses. I understand that the astronomy precinct may even be used for worship!

It is a great honor & a privilege for us to host the magnificent TMT here in Hawaii & something all of us can be proud of. Astronomers from all over the globe come here to take advantage of the excellent observing conditions which are unique to Mauna Kea. This helps Hawaii to have World-wide recognition as a major contributor to our growing knowledge of the planet & our place in the Universe.

If protesters were aware of this, they would be

proud of what is available here, resulting in them championing the TMT project. I'm sure the ancient Polynesian & Hawaiian navigators would be excited to further explore the heavens which guided them here in the first place. After-all, astronomy has guided navigators on land & sea, benefitting explorers the world over since time immemorial.

Discoveries by astronomers and astrophysicists are continuing to benefit human kind, for example our (solid state) cell phone cameras, (GPS) in navigation & numerous time-keeping mechanisms (pulsars & atomic clocks for eg).

Then there are the financial & economic considerations:-

Construction of the TMT will create 300 jobs for Hawaiians, & once completed will employ 140 people & bring \$26, 000, 000 into the economy Annually!

And that doesn't even include the secondary effects of the tourists it attracts!

In closing, astronomy has never caused any harm to anyone & astronomy is a legal use of the conservation land held in trust by the State of Hawaiian. Remember too, that the Supreme Court of Hawaii has upheld the use of Mauna Kea for the construction of the TMT.

**Thank you for your time & attention.
Mahalo nui loa,
Keri Dickie-Clark.**

HB-2024-HD-1

Submitted on: 3/20/2022 6:36:55 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alisen Celestyne	Individual	Support	Written Testimony Only

Comments:

I support this bill which creates a new entity to manage Mauna Kea with cooperation from the Native Hawaiians.

HB-2024-HD-1

Submitted on: 3/20/2022 6:56:03 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Douglas Perrine	Individual	Oppose	Written Testimony Only

Comments:

By establishing a race-based and religion-based power center in the state government this bill, if passed, will violate both the Hawaii Constitution and the rights of most citizens of Hawaii.

HB-2024-HD-1

Submitted on: 3/20/2022 7:34:56 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Curtis	Individual	Oppose	Written Testimony Only

Comments:

The management of Mauna Kea should be managed by an organization dedicated to the research opportunities afforded by the "Mauna." The legal process has been corrupted by groups that see an opportunity to benefit. The unique location can be respected and used as opportunity arises.

Sorry, the benefit to Hawaii and the world precludes obstructionist priorities.

HB-2024-HD-1

Submitted on: 3/20/2022 7:48:50 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Y H	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition of HB2024. I believe limiting commercial and astronomy activity will do more harm to the state as it limits our income from tourism and astronomy. By limiting this, it also fails to educate others of the cultural significance of Mauka Kea.

HB-2024-HD-1

Submitted on: 3/20/2022 8:15:22 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pamela Jones	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill! The strides in space discovery and exploration are impossible to overstate and the contributions to the whole world are immeasurable. Notwithstanding the immense job loss now, impacts would have ripple effects for many decades. Thank-you for your consideration.

HB-2024-HD-1

Submitted on: 3/20/2022 8:26:24 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Smith	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna

Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Shannon Smith

Kapolei HI

HB-2024-HD-1

Submitted on: 3/20/2022 8:29:27 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Binder	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Committees,

A vote for this bill is a vote to KILL the TMT and astronomy in Hawaii, we all know this. I do not think you want on your resume that you voted to kill astronomy in Hawaii at exactly the time when we are trying to diversify the economy away from its overdependence on tourism. Also, I imagine you will have a tough time trying to explain to our keiki why you are so against astronomy.

The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing TMT project. Please do not pass this bill out of your committees.

Thank you

HB-2024-HD-1

Submitted on: 3/20/2022 8:59:46 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
George Pace	Individual	Oppose	Written Testimony Only

Comments:

Members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

- 1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.**

- 2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.**

- 3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.**

- 4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.**

- 5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.**

- 6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.**

HB-2024-HD-1

Submitted on: 3/20/2022 9:33:42 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Phil Barnes	Individual	Oppose	Written Testimony Only

Comments:

I would be the first to admit that the university system has made mistakes in their management of Mauna Kea in the past. However their most recent management plan is a giant step forward. And they have reached out to the Hawaiian community consistently for the last 5 years. Their procedures for gaining the permits to construct the TMT was entirely above board and allowed all to have their say. It was only after the lengthy process was completed and construction was set to begin that many folks suddenly decided to oppose the telescope. If you believe that rewarding civil disobedience is the proper manner for resolving management of our natural resources then this bill is for you. Please defend the multiple use concept for the mountain and vote against this bill.

HB-2024-HD-1

Submitted on: 3/20/2022 10:42:55 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonah Bobilin	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Senate Committee on Higher Education,

I am a constituent from Pearl City and recent graduate of the University of Hawai‘i at Mānoa. I write in strong support of HB 2024 with the following amendments:

- The elimination of recently added item § -2 (b) (3) which establishes the president of the University of Hawai‘i at Mānoa (or a designee) as one of the members of the stewardship authority. I strongly oppose the addition of this item to HB 2024 and do not support its passing unless this item is eliminated.
- I strongly suggest adding language that would require the University of Hawai‘i to cease all actions relating to Mauna a Wākea lease and contract renewals until the new Mauna a Wākea stewardship authority is established and is operational.

Mahalo nui,

Jonah Bobilin

Aloha kākou,

A little over a month ago, the master plan for the UH stewardship of Maunakea lands, *E Ō I Nā Leo*, was overwhelmingly approved by UH regents in a 10 to 1 vote. As written, the master plan documents an extremely thorough and balanced vision for the future of Maunakea stewardship. If implemented effectively, this plan should improve on every aspect that the mauna offers, from cultural interpretation, environmental sustainability, astronomical research, cross-disciplinary research, conservation, and educational opportunity. Those who crafted this plan clearly solicited a broad swath of input and listened carefully to all the voices that spoke to their experience with and their vision for Maunakea. Speaking from the perspective of an astronomer of 20 years, this plan, as written, will not only maintain the highly productive facilities on the mauna, but allows for a carefully controlled modest re-fitting of those structures on existing sites, those which are not to be decommissioned, in order to make them more impactful scientifically while still maintaining a limited presence on the mauna. It also allows for the development of another world class research facility on the currently existing site 13, whether that be TMT or another telescope, a crucial step towards answering the questions of 21st century astronomical research for which currently facilities are insufficient. These questions are at the very core of our search for our origins as a species, the origins of our planet, of our galaxy, and of our universe; a fundamentally human endeavor. This plan is crafted with love for the mauna, what it brings to all people, and looks to improve on the experience of respectfully communing with the mauna for all who chose to, irrespective of their profession, background, race, or beliefs.

The report from Maunakea Working Group, *He Lā Hou Kēia Ma Mauna a Wākea*, which is used as the basis for HR2024 and the proposal that a Maunakea stewardship authority take over sole stewardship of the mauna, was also carefully constructed, soliciting input from a variety of communities and voices. However, the proposed board of the stewardship authority lacks the inclusivity of the UH master plan by excluding any astronomy voices on the committee beyond those in an advisory capacity. While the UH master plan emphasizes a multi-disciplinary approach to stewardship of the mauna, the proposed board not only has no official representation from those from the astronomy community, but has little to no representation from those in the scientific community as a whole. Further, the proposal calls for all astronomy activity on the mauna above 9200 feet to be ceased. This would effectively end high-quality astronomical research on the mauna, which would not only be a devastating loss for the astronomical community, but a grievous loss for all of humanity, as Maunakea is the best site in the world to explore some of the most profound questions of our species. While the recent amendments to the bill allow for room for astronomy activities to continue until rendered obsolete due to developments in space-based technology, the bill contains no specifics on how an evaluation would be made, and the current proposed board does not appear to contain the requisite expertise to make an informed determination on the level of obsolescence of these facilities.

Ceasing astronomical activity on the mauna means fatally injuring Hawai'i's leadership in a peaceful, clean, international endeavor. This action would also have the consequence of seriously curtailing the 100s of millions of dollars of economic impact that astronomy activities currently generate according to the recent report of the University of Hawai'i Economic Research Organization (UHERO). The impact to Hawai'i in both in terms of loss of reputation internationally and state-wide fiscal repercussions if astronomical activities were to cease on the mauna would be severe.

It is possible for all those who come to commune with the mauna in a spirit of exploration and aloha to coexist, and, over time, to learn from one another and to thrive together. The plan articulated in the Maunakea Working Group, and echoed in HR2024, is exclusionary and does not allow for this possibility. By contrast, the UH master plan, already adopted, provides fertile ground from which this synergy between cultures and communities may grow.

All testimony herein reflects my personal feelings and not the views of the Maunakea observatory for which I work.

Dr. Brian C. Lemaux, Observatory Scientific Staff

HB-2024-HD-1

Submitted on: 3/21/2022 3:00:05 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendie Sigouin	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to creating a new authority for the management of Mauna Kea. I believe this whole bill is the result of a minority of activists who are trying to undermine the existing management structure one of the State's greatest resources.

Mauna Kea is a premier world class site for Astronomy and this bill and the people behind it will endanger Astronomy here.

This bill is reckless and will wreak havoc upon the taxpayers. This bill seems to kowtow to residents who believe they have the right to dictate for all the residents of Hawaii because they feel justified? Past Kings and Queens were for progress, yet now activists want to insert their way of thinking into our current system of government and our own legislature is allowing this?

It does not matter what ethnicity a resident is, we are all living in the State of Hawaii now and this is a great State! Please do not open a Pandora's box and allow this destructive bill to pass!

Sincerely, Wendie Sigouin

HB-2024-HD-1

Submitted on: 3/21/2022 12:57:17 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Steven Epstein	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees,

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Steven Epstein

Senate District 4

HB-2024-HD-1

Submitted on: 3/21/2022 5:20:17 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Celeste Rogers	Individual	Oppose	Written Testimony Only

Comments:

Aloha kakou!

Members of the Senate Higher Education and Ways and Means Committees,

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even

be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Celeste A. Rogers

Senate District 20

HB-2024-HD-1

Submitted on: 3/21/2022 6:16:58 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shadia Habbal	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Shadia Habbal,

House District: 24

[Rep. Della Au Belatti](#)

Senate District: 11

[Sen. Brian T. Taniguchi](#)

HB-2024-HD-1

Submitted on: 3/21/2022 6:49:23 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lucia Kaplan	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees,
I am writing today to ask that you vote AGAINST HB2024 HD1. I strongly support building the
Thirty Meter Telescope on Mauna Kea & promoting the astronomy industry on our island. I also
support the continued management of Mauna Kea under the leadership of the University of
Hawaii.

Please vote NO on HB2024 HD1.

Mahalo,

Lucia Kaplan

Kailua Kona, HI

HB-2024-HD-1

Submitted on: 3/21/2022 7:14:12 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mitchell Green	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I have been a resident of the Big Island for over 40 years. I feel that UH has done a very fair and balanced job of managing Mauna Kea and should continue to do so. This bill will not only negatively impact the scientific community but the local community as well. I am an avid outdoor enthusiast and am frustrated with the shrinking of the Island. I live in Honokaa and can no longer to my weekly hike down to Waipio valley. I have had to cancel my Waimanu camping trip as well. I spend a lot of time on and around the mountain and treat it as well as the rest of the Aina with respect and reverance. I spent last Saturday with a group of volunteers planting over 1,000 trees above the 10,000 foot level on the slope of Mauna Kea.

We need to be increasing accessability and understanding of our beautiful Island and not limiting it. The land is what brings us all together and shouldn't be what tears us apart.

Mahalo, Mitchell Green

HB-2024-HD-1

Submitted on: 3/21/2022 7:35:55 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Pete Wilson	Individual	Oppose	Written Testimony Only

Comments:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our

beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

HB-2024-HD-1

Submitted on: 3/21/2022 7:37:34 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Oppose	Written Testimony Only

Comments:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our

beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Bo Breda

I'm old. I probably won't be around to see whatever the TMT can and could discover in the future. So why do I care? I care for the future of Hawai'i, the future of the people, especially for the children. The world will change in ways we cannot foresee, but if Astronomy as a science still exists in the future, Hawai'i can continue to make contributions towards the knowledge of where we came from and how we got to where we are. Don't look backward, preserve the promise of the future.

Good management is already in place. Why try to fix something that's fixed, unless you want to mess it up. The University of Hawaii and the Center for Maunakea Stewardship has listened to the community and now manages this land, including the 5,000 acre Mauna Kea Science Reserve. It has received praise for these reforms: State Historic Preservation Award, numerous awards for protection of cultural and natural resources and accolades for its stewardship from the Department of Land & Natural Resources.

Dear Senator Kim and members of the Committee on Higher Education,

I oppose HB 2024 in its current form. This bill directs the proposed new stewardship authority to develop a plan to limit astronomy development on the mountain regardless of how it fits with other elements of their management plan. Mauna A Wakea is regarded by many experts as the best location for astronomical observation on the surface of the earth. It is therefore a unique opportunity for Hawaii to further attract and retain higher education and technical talent, and to help give our young people opportunities other than lower-level tourist industry careers. For this reason, I think astronomical observatories are a justifiable use of the summit area. That does not mean there could not be some mixed use, such as on Haleakala.

I think the University of Hawaii could have done a better job in the past of promoting the value of the facilities on Mauna A Wakea to the people of the state. They could also have done a better job of attracting our young people to pursuing careers in astronomy, astrophysics, and the many related fields of study. However, with only one person appointed by the President of U of H on the stewardship authority I do not think they will have an adequate voice in the management of Mauna A Wakea. For example, there should also be an astronomer familiar with the various groups and projects currently active in the observatories, so the authority will have first-hand knowledge of how their decisions will affect the operations there and the potential benefits to science and the people involved in those projects.

I am a retired mechanical engineer and have been taking various courses at the university in astronomy and astrophysics and find it fascinating. One of my astronomy professors was Dr. Paul Coleman, a Hawaiian PhD who was very well versed in Hawaiian culture and spiritual beliefs. He taught the class Hawaiian names for the planets, stars and the phases of the moon, and also showed us photos and drawings of an observatory the ancient Hawaiians built on Mauna Kea. He found no conflict between astronomical observations and Hawaiian culture or spirituality, and taught us that some of the Hawaiian royalty enthusiastically supported and participated in using telescopes for astronomical observations. A friend of mine, "Doc" Chuck Burrows is also an expert in Hawaiian spiritual matters and supports the continued use of the Mauna Kea summit for astronomy, and is in favor of the TMT.

Thank you for considering my opinion on HB 2024 and for your service to our beautiful state.

Bruce Anderson
941 B Prospect Street
Honolulu HI 96822

HB-2024-HD-1

Submitted on: 3/21/2022 8:34:11 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christoph Baranec	Individual	Oppose	Written Testimony Only

Comments:

Please vote against HB2024 HD1

Aloha,

Emotional feelings aside, the creation of any new governing entity for Maunakea will fatally delay the observatory lease renewal which expires in 2033. Do you really think it is wise to destroy a sector of our economy that contributes more than \$100,000,000 annually per UHERO, which is on par with the economic impact of agriculture in our state? I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

Mahalo no kou manawa,

Christoph Baranec

Registered Voter in Senate District 1, House District 2, Hilo, Hawaii

HB-2024-HD-1

Submitted on: 3/21/2022 8:57:21 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2024 HD1 because I believe the University of Hawaii is the proper institution to handle these sorts of issues. I prefer to give control to the educated and knowledgeable.

Mahalo, Mary True, Pepekeo

HB-2024-HD-1

Submitted on: 3/21/2022 8:58:17 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr Marion Ceruti	Individual	Oppose	Written Testimony Only

Comments:

As a scientist, I oppose any interference with education and research. Scientific pursuits, such as astronomy, enrich the lives, livelihoods, and culture of the people of Hawai'i. You cannot appease the Thirty-Meter-Telescope protesters by stripping the University of Hawai'i of the role in the management of Mauna Kea and transferring the authority to a board dominated by protesters. This is how to kill the project. Is that your intention? This bill endangers Hawai'i's future by threatening the entire astronomy industry in Hawai'i. As structured, the new authority the bill would put the protesters in charge. They are committed to "winning" at all costs, which means stopping the Thirty Meter Telescope and destroying astronomy on Mauna Kea. It erodes and threatens our keiki's religious freedoms by imposing religious beliefs on Hawai'i. It degrades our keiki's right to equality before the law by creating racial requirements for certain seats and encouraging the use of race as a criterion for selecting members of a government body. This certainly constitutes a violation of Federal Law, namely the Civil Rights Act of 1964 which prohibits racial discrimination. It is fertile ground for all kinds of litigation. Vote NO on HB2024.

HB-2024-HD-1

Submitted on: 3/21/2022 8:58:49 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Liz Lees	Individual	Oppose	Written Testimony Only

Comments:

I do not support HB2024.

I believe that the current management for Mauna Kea has been good and that a few vocal protesters should not be overriding the vast majority of people, both Native Hawaiians and everyone else who supports the ideas to promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

It is too complex and burdensome on the management of Mauna Kea. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

HB-2024-HD-1

Submitted on: 3/21/2022 9:03:12 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hartley Phillips	Individual	Oppose	Written Testimony Only

Comments:

To the members of the legislature:

Aloha, please do not pass this bill! It is short-sighted! I is all about the past, not the future! Protesting activists have drawn the word's attention to the injustices committed against Hawaiians, using TMT. Not all Hawaiians agree that all of Mauna Kea is sacred ground not to be built on. the University of Hawaii does not equal the government of the U.S. Allowing the University to continue the administration of the mauna telescopes will make a big name for Hawaii in the scientific community and will make Hawaiians proud. Traditionally, Hawaiians have been known as great star finders and navigators. A state-of-the-art telescope will continue that legacy. Too many aspiring young Hawaiians move to the mainland and share their skills and expertise there. This is just one chance to keep our brightest minds on Hawaiian soil. Planners of the TMT made the new telescope as inconspicuous as possible, not visible from most of the areas surrounding it. Please think of our keiki's future and stop this bill!

HB-2024-HD-1

Submitted on: 3/21/2022 4:07:52 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jon Kutler	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating

astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Jon

HB-2024-HD-1

Submitted on: 3/21/2022 9:06:40 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debra Gavelek	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as I feel the University of Hawaii has a great plan in place to manage the summit's science reserve while providing Hawaiians accessilby to practice their cultural beliefs. There is no need to reinvent the wheel. I think astromony and Hawaiian culture can coexist on the summit. Thank you for the opportunity to share my views.

HB-2024-HD-1

Submitted on: 3/21/2022 9:09:52 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa H. Gibson	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony **AGAINST HB2024 HD1** - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote **AGAINST** HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure.

Please do not pass this bill out of your committees.

Thank you for your consideration.

Lisa Gibson

HB-2024-HD-1

Submitted on: 3/21/2022 9:16:50 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Harriet Parsons	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

The creation of any new governing entity will serve to delay the renewal of the lease that governs the telescopes which expires in 2033. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. I believe that the current UH leadership can take on this task responsibly with the knowledge gained from extensive public input that have worked hard to solicit.

Mahalo nui loa,

Harriet

HB-2024-HD-1

Submitted on: 3/21/2022 9:15:50 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Albert Coonrad	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I strongly discourage passage of HB2024. The bill is based on a report that, by all accounts, is incomplete, poorly written, and ignores U.S. doctrine that separates church and state.

Mahalo,

Al Conrad

Big Island resident since 1991

HB-2024-HD-1

Submitted on: 3/21/2022 9:35:04 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ROBERT Y CHUNG	Individual	Oppose	Written Testimony Only

Comments:

As a decade-long homeowner here on the Big Island, I am absolutely furious that minority radicals who have no interest and/or awareness of science has disrupted a very helpful endeavor not only helping Hawaii, but also the entire mankind. It is lawlessness at the highest levels and we need to expose their true motivations for the obstruction. It is infuriating that a small radical group is stating "desecration" when there has been telescopes for decades and they have not shown even a single compelling reason to hold the TMT hostage. It is simply an act of pure selfishness and/or ignorance about the importance of TMT and I believe the project should continue promptly. These radicals should be arrested promptly with severe penalties for continued disruptions as this type of behavior simply encourages further lawlessness.

HB-2024-HD-1

Submitted on: 3/21/2022 9:38:18 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andre Hassid	Individual	Oppose	Written Testimony Only

Comments:

How many times do we have to say we do not want this anti-science, anti-astronomy, anti-economy, bill. It is unconstitutional. It promotes one religious belief at the expense of all the others.

We should promote education, science, and equality before the law.

HB-2024-HD-1

Submitted on: 3/21/2022 9:49:24 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Kelly	Individual	Oppose	Written Testimony Only

Comments:

There is already a strong management framework in place for the management of lands on Mauna Kea, and I respectfully opposes this measure.

HB-2024-HD-1

Submitted on: 3/21/2022 10:12:25 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald Rudny	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Senators,

I have reviewed the draft proposal of the Mauna Kea Working Group to propose a new governance and management structure for Mauna Kea. The proposal in its present form is flawed and should be summarily rejected by the Hawaii State Legislature.

I cite the following reasons for my opinion.

1. As one who lives on Mauna Kea and is also a “stakeholder” in the future of Mauna Kea, I found the Working Group process to be much too exclusive and lacks consideration of all citizens of Hawaii.
2. The draft proposal appears to exclude input from the astronomy community. Mauna Kea has proven to be the best site in the world for astronomy. The science of astronomy has deep roots in Native Hawaiian culture and history and plays a major role in our economy and future educational development of our young people. Astronomy should play a prominent role in the governance and future development of Mauna Kea.
3. The proposal raises constitutionality concerns by requiring appointments to be based on racial, religious or ethnic backgrounds. Potential violations of both the First and Fourteenth Amendments of the U.S. Constitution exist. All elected officials are sworn to uphold the Constitution of the United States. Passing this proposal as law may be a violation of their oath of office.
4. The present ownership of lands in the managed area requires the agreement and cooperation of several entities. The present governing structure is in place and has been working well despite the claims of some. Significant changes have been implemented to address some of the concerns brought up in the past two or three decades, and the controlling entities appear to be very open to consideration of input from anyone for additional changes.

I have the deepest respect for Native Hawaiians and recognize the issues affecting them, but Mauna Kea is a distraction to addressing and solving them, and this process and proposal will not resolve the real issues. I believe that we are all brothers and sisters in humanity, and must work with respect for each other to resolve these conflicts and issues, with equal consideration for all involved as guaranteed by the U.S. Constitution. This proposal fails to do that and will

only create more division among us.

Mahalo for your time and attention.

Don

Don Rudny
P.O. Box 106
Pepeekeo, HI 96783-0106

HB-2024-HD-1

Submitted on: 3/21/2022 10:35:25 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeffrey Frelinger	Individual	Oppose	Written Testimony Only

Comments:

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by

misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Jeffrey Frelinger

Senate District 8

HB-2024-HD-1

Submitted on: 3/21/2022 10:12:25 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Donald Rudny	Individual	Oppose	Written Testimony Only

Comments:

Aloha Honorable Senators,

I have reviewed the draft proposal of the Mauna Kea Working Group to propose a new governance and management structure for Mauna Kea. The proposal in its present form is flawed and should be summarily rejected by the Hawaii State Legislature.

I cite the following reasons for my opinion.

1. As one who lives on Mauna Kea and is also a “stakeholder” in the future of Mauna Kea, I found the Working Group process to be much too exclusive and lacks consideration of all citizens of Hawaii.
2. The draft proposal appears to exclude input from the astronomy community. Mauna Kea has proven to be the best site in the world for astronomy. The science of astronomy has deep roots in Native Hawaiian culture and history and plays a major role in our economy and future educational development of our young people. Astronomy should play a prominent role in the governance and future development of Mauna Kea.
3. The proposal raises constitutionality concerns by requiring appointments to be based on racial, religious or ethnic backgrounds. Potential violations of both the First and Fourteenth Amendments of the U.S. Constitution exist. All elected officials are sworn to uphold the Constitution of the United States. Passing this proposal as law may be a violation of their oath of office.
4. The present ownership of lands in the managed area requires the agreement and cooperation of several entities. The present governing structure is in place and has been working well despite the claims of some. Significant changes have been implemented to address some of the concerns brought up in the past two or three decades, and the controlling entities appear to be very open to consideration of input from anyone for additional changes.

I have the deepest respect for Native Hawaiians and recognize the issues affecting them, but Mauna Kea is a distraction to addressing and solving them, and this process and proposal will not resolve the real issues. I believe that we are all brothers and sisters in humanity, and must work with respect for each other to resolve these conflicts and issues, with equal consideration for all involved as guaranteed by the U.S. Constitution. This proposal fails to do that and will

only create more division among us.

Mahalo for your time and attention.

Don

Don Rudny
P.O. Box 106
Pepeekeo, HI 96783-0106

HB-2024-HD-1

Submitted on: 3/21/2022 10:41:32 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
PATRICIA K EVANS	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

House Bill 2024 HD1 would be a disaster to the islands' attempts to diversify the economy. In addition, HB 2024 HD1 promotes a race-and-religion based membership group as the governing entity for a state-owned resource. This violates the rights of all Hawaii residents who are not considered "Native."

Beyond that obvious offense, this proposed legislation is a thinly veiled attempt by a minority group of activists to remove astronomy from Maunakea and control access to the entire mountain. Such a move would cost the State's economy far more than the \$110M that the astronomy community brings to the islands each year.

House Bill 2024 would pave the way for activists to prevent the construction of the Thirty Meter Telescope (TMT), which has been approved for construction by the Hawaii Supreme Court and is supported by a MAJORITY of our state's citizens.

I support the continuation of astronomy atop the mauna, especially the construction of TMT. As we speak, Europe is building its Extremely Large Telescope atop a mountain in Chile. Should TMT be stonewalled again, this leaves American scientists many years behind the curve, all in favor of a relatively small band who want their race and spiritual beliefs to govern all of Hawaii's summits. America is a nation of laws, and Hawaii should be a State that follows them.

University of Hawaii should continue as the steward for Maunakea, with State oversight and input from the public as part of the governance. The University has bent over backwards to accommodate Native Hawaiian groups' requirements. There is plenty of room on the mountain for all.

In conclusion, I am aghast that any State body would put forth a document so full of yesteryear, quasi-religion as the "Maunakea Working Group Report," and I am even more troubled that any legislator in America would propose a bill as legally tenuous as House Bill 2024.

Pat Dunlap Evans

Mailing address: 68-1845 Waikoloa Rd., Ste. 106 PMB 247, Waikoloa, HI 96738

PatEvans39@Gmail.com, or 512-658-8949 (voice/text)

patevans39@gmail.com

HB-2024-HD-1

Submitted on: 3/21/2022 10:44:03 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amber Imai-Hong	Individual	Oppose	Written Testimony Only

Comments:

Aloha e,

As a Native Hawaiian Engineer who was born and raised in East Hawaii, I oppose HB2024 HD1. I have interned at the observatories on Mauna Kea, and I support Astronomy on Mauna Kea. In my opinion, removing UH and the Office of Mauna Kea Management (OMKM) would negatively impact the conservation practices and programs already in place.

Respectfully, I ask that you not be swayed by those oppose Astronomy on Mauna Kea. People who have threatened and harrassed me virtually and in person, as well as other Native Hawaiians and local residents who support Astronomy on Hawaii Island.

Mahalo for your time,

Amber Imai-Hong

East Hawaii Resident

HB-2024-HD-1

Submitted on: 3/21/2022 11:03:35 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Mason Evans	Individual	Oppose	Written Testimony Only

Comments:

I respect the heritage of Hawaiians who descended from ancient Polynesians, however, I oppose HB 2024 because:

(

a) HB 2024 proposes a new stewardship authority be led predominately by Native Hawaiians, a racial and religious composition that is against both the U.S.A. and Hawaii constitutions. Verifying Native Hawaiian bloodlines would be almost impossible to fulfill, since most descend from varied racial backgrounds, due to the influx of Asian, Latin, and European populations.

(b) HB 2024 proposes the removal of University of Hawaii as the steward of the mountain. Although UH had one less-than-perfect review 20 years ago, recent reviews of UH's stewardship have all been positive. And UH's facilities and curriculum are known worldwide.

(c) HB 2024 proposes in veiled language the removal of all telescopes from Mauna Kea. Hawaii is known worldwide as THE place for astronomy, and many visitors and scientists come here for that purpose. In fact, astronomy brings \$110 million annually to our islands and provides thousands of jobs, according to recent data. Removing major telescopes and sending their employees packing would negatively impact many locally owned small businesses in the islands, especially on the Big Island.

(d) HB 2024 forgets that early Hawaiians and their ali'i wanted to study the stars. In fact, in 1880, Hawaii's King Kalakaua sent a letter to Captain R. S. Floyd to express a desire to see an observatory established in Hawai'i. And Queen Liliuokalani, Hawaii's last reigning monarch, wrote in 1897, "The ancient Hawaiians were astronomers."

(e) HB 2024 uses religious doctrine as the source to proclaim Mauna Kea "sacred." Not all Native Hawaiians believe the mountain is sacred, nor do the majority of Hawaii's residents. This "sacredness" has re-surfaced over the past few decades, rising from the concept of "Kapu." Some seem to forget that Kapu was a brutal religion banned by ali'i long ago.

(f) HB 2024 allows one demographic group to gain control over massive lands, based on pagan folklore. This would make any global company leery of bringing jobs to a state where mythology is preferred over world-class scientific research.

(g) House Bill 2024 employs the very same racial discrimination that Native Hawaiians endured from outsiders who arrived here long ago. I deeply regret such injustices occurred, but it is simply wrong to remove astronomy from Mauna Kea and enable one race and one religion to dominate Hawaiian laws.

William M. Evans, M.D. Residence: 68-5723 Ele Ele Place, Waikoloa, HI 96738 (no mail)
Mailing Address: 68-1845 Waikoloa Rd. Ste 106 #247 Waikoloa, HI 96738 Phone: 512-750-3367

Lahela Jarrett Hokmwood
PO Box 383523
Waikoloa, Hawaii 96738-3523

To: COMMITTEE ON HIGHER EDUCATION
Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair

Supporting testimony for HB 2024, HD 1 relating to Mauna Kea

Aloha Committee Chairs and Members,

My name is Lahela Jarrett Holmwood, a Native Hawaiian, and I live in Waikoloa, Hawaii. I strongly support HB 2024, HD 1 and urge you to pass it out of committee. This bill is important to me because we need to take better care of Mauna a Wākea. Creating a new governing entity which includes seats for community and Native Hawaiian expertise is extremely important.

Please pass this measure out of your committee.

Mahalo nui,

Lahela Jarrett Holmwood

Michael J. Konowicz
68-1845 Waikoloa Rd, Ste 106-228
Waikoloa HI 96738

March 21, 2022

To: Senate Higher Education and Ways and Means Committee

Re: AGAINST HB 2024 HD1 – Relating to Mauna Kea

I am extremely against HB 2024 HD1 as it relates to Mauna Kea; this bill attempts to create more problems than solutions for the people of Hawaii. I am writing this testimony as an individual and as a full-time resident of Waikoloa on the Big Island of Hawaii.

The University of Hawaii's (UH) recent management of Mauna Kea has been excellent, but the state has fallen short on its responsibilities to enforce the law and to provide safe access to Mauna Kea Access Road to those wishing to construct the Thirty Meter Telescope project, those wanting to explore the natural beauty of the Summit, others that want to see the marvels of modern engineering with the existing astronomical equipment there, and for those pursuing a natural or spiritual experience thousands of feet above sea level.

UH's management under UH's new proposed plan and structure is an appropriate one that properly balances the needs of our community. HB 2024 HD1 creates an unnecessary Stewardship Authority, presumably by those that do not support the Constitution of Hawaii nor the Constitution of the United States, to add bureaucracy and to create additional polarization within our diverse community.

Mauna Kea is a public asset that the entire public should enjoy. It is not up to any one entity, especially not the Hawaii State Senate, to determine what is sacred or not. Mauna Kea is clearly not "sacred" to all people and definitely not to all Native Hawaiians; in fact, many Native Hawaiians welcome and support the astronomy industry. More than 100 years before becoming a state, Hawaiian leadership abolished the kapu religion and our modern-day constitution prohibits the government from establishing any religion. You are doing a disservice to native Hawaiians and all residents of Hawaii to invent and establish religious themes and excuses for the sake of this flawed legislation.

Please do not allow HB 2024 HD1 to continue as is.

Signed,

A handwritten signature in black ink, appearing to read "Michael J. Konowicz", written in a cursive style.

Michael J. Konowicz

HB-2024-HD-1

Submitted on: 3/21/2022 11:16:16 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Simon	Individual	Oppose	Written Testimony Only

Comments:

Please do not take away access to Mauna Kea! The Mauna has been a place of peace and recreation for my family for years. It's one of the reasons I relocated from O'ahu to the Big Island. Access should not be restricted by race, religion or otherwise. Please keep the Mauna open to all residents. My family is very disappointed. Please don't make Mauna Kea just a memory for us . . .

HB-2024-HD-1

Submitted on: 3/21/2022 11:27:08 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim L. Kalama	Individual	Support	Written Testimony Only

Comments:

Aloha Madame Chair Kim, Vice-Chair Kidani and Committee Members,

My name is Kim Kalama and I live in Kea’au, Senate District 2, Puna & Ka’u. I support HB 2024 and I believe that this bill deserves a fair hearing in your committee. There is a saying that one cannot keep doing the same thing while expecting a different result. The University of Hawai’i has had decades to prove itself and in my humble opinion, they have failed. The intervening years have not produced vast numbers of locally educated astronomy students trained to staff and lead the observatories currently operating on Mauna a Wakea, and job creations have been mostly temporary. More importantly, the health and respect of Mauna a Wakea should not be sacrificed for profit. Should we continue on this same path, while expecting different results? HB 2024 creates a new governing entity that includes a wide spectrum of expertise in our community. Just as important, it will include the voices of the Native Hawaiian community, something heretofore lacking in previous decision making. I urge you to pass this measure out of your committee. Mahalo for your consideration.

Patti Cook

Box 6960, Kamuela, HI 96743
(808) 937-2833 – cookshi@aol.com

March 21, 2022

TO: The Honorable Sen. Donna Mercado Kim, Chair
The Honorable Sen. Michelle Kidani, Vice Chair
Distinguished Members of the Senate Committee on Higher Education

RE: Hearing @ 3PM, Tues., March 22, 2022

HB2024 HD1 – RELATING TO MAUNA KEA - STILL OPPOSED

It's difficult to write this testimony and not be sad. I work every day to try to help give our community's public school children - more than 55% of whom are part Hawaiian here in Waimea - a promising future. This bill compromises their future. Further, it compromises the future of Hawai'i.

HB2024 HD1 is being "marketed," "branded," "sold" as "a new holistic approach for caring for the mauna that places the well-being of the 'aina at the center of stewardship." – Quote from Civil Beat Community Voice opinion piece authored by Noe Noe Wong-Wilson, Lanakila Mangauil, Jocelyn Leialoha Doane and Shane Palacat-Nelsen, published Sun., 3/20/22.

I am trying to believe that the co-authors of this piece in Civil Beat, and all of the House Working Group are well-intentioned. Maybe I'm a skeptic, but I believe in judging situations based on behaviors and actions, not words. These pictures, taken at the end of February 2022, are symptomatic of the actions that we have to judge things by:



This is not evidence of "caring for the mauna..." I'm not sure it's legal and surely, not pono.

Now, I do not think authors of the Civil Beat article or State House Working Group members did this, but they make it hard not to question the integrity, intentions and respect for the law of those opposing astronomy on Mauna Kea despite words to the contrary. (Please note that the UH is not responsible for the land pictured above.)

Concurrently, I believe that stewardship of the Mauna Kea has dramatically improved under the leadership of the University of Hawai'i over the past 10+ years, and that they have earnestly reached out to engage a wide cross section of the community and have asked hard questions, and have listened, learned and stepped up their activities. The intention they have heard and strive to embrace is: SHARE THE MAUNA - respectfully.

I also believe that our State, County and communities are overdue in addressing legitimate grievances of our native Hawaiian community. Actions such as the bills this session that would significantly fund DHHL to address long-standing needs of, and obligations to DHHL beneficiaries are an overdue step in the right direction. The crushing cost of housing and lack of access to affordable, quality healthcare and education are all major issues for our Hawaiian community (and all ALICE residents) that deserve unwavering attention and funding. HB2024 HD1 does not help - in fact, it will cripple our state's ability to fund urgently needed, warranted programs and services.

There is much more to be said about HB2024; I will let others do it, but without question, there are constitutional issues embedded in the measure. Lengthy legal disputes will further reduce our state's ability to address serious grievances. Also, the inevitable delays could result in losing all astronomy activity. Is that the goal? I certainly hope not. Please defer this bill. Thank you. **Patti Cook**

HB-2024-HD-1

Submitted on: 3/21/2022 11:45:00 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Wainscoat	Individual	Oppose	Written Testimony Only

Comments:

I am strongly opposed to HB 2024.

Maunakea is the best site on Earth for astronomy. The intent of this bill appears to be to eliminate astronomy from Maunakea. That would be a disservice to Hawaii, to our children, and to mankind.

Many of the most important recent discoveries in astronomy have come from Maunakea. These include research that led to the Nobel Prize in Physics in 2011 and 2020. Astronomy has an important economic impact on the islands of Hawaii and Maui.

The reasons that make Maunakea the best site for astronomy include its smooth shape, its isolation, its altitude, and the dark skies that come from a strong lighting ordinance on the island of Hawaii. No other site on Earth is as good. Space astronomy is not a viable alternative to ground-based astronomy - it is extraordinarily expensive, and we do not have the capability to launch very large telescopes like the Keck Telescopes into space.

To: Chairperson Kim and Members of the Committee on Higher Education
From: Robert McLaren

I am submitting this testimony **in opposition** to HB 2024 HD1

This bill creates the Mauna a Wakea Stewardship Authority and directs the transfer of title to tens of thousands of acres of State land on Mauna Kea to the new Authority. It does so without providing any programmatic document laying out the basic policies and stewardship goals that the Authority will adopt. There is no management plan for achieving the goals, no financial/staffing plan and no indication of any feasibility analysis. All of this is put off until the three-year transition period. This leaves many foundational issues unaddressed and many questions unanswered. Previous testimony on HB 2024, in particular that from the Department of Land and Natural Resources and from the University of Hawaii (UH), has already pointed out a number of these top-level concerns and the large risks involved with not addressing them before deciding whether to proceed. Here are a few more.

1. How does one describe the *lands above the six thousand five hundred foot elevation line* in a way that they can be legally transferred to the Authority in fee? Will a survey and subdivision action be required? How long would that take?
2. Can the members of the Authority be compensated for their service; is that the intention?
3. The Authority's day-to-day operations will be led by an executive director. How is the executive director chosen? Can/must the executive director be one of the ten members of the Authority? Is the executive director compensated? Is the executive director a State employee?
4. The lands are to be transferred *together with all existing encumbrances*. Those encumbrances include the Science Reserve lease to UH and nine subleases for the non-UH-owned observatories (including the one for the Thirty Meter Telescope site). All of these currently run until the end of 2033. The lease to UH for the Mid-Level Facilities at Hale Pohaku runs through 2041. UH has an easement for the portion of the access road between Hale Pohaku and the Science Reserve boundary, which requires UH to maintain it. UH holds almost all of the Conservation District Use Permits for the facilities and structures located on the lands in question. These permits (like building permits) do not expire and involve both entitlements and conditions. How will the Authority handle these existing agreements and conditions while they remain in effect, and how will they figure in the transition to the new management regime?
5. The Authority is charged with developing a *single plan that dictates the management of land uses* that will be *finalized, approved and operational by the end of the transition period*. Approved by whom or by what agencies? What opportunity will there be for public input? Will the plan require an Environmental Impact Statement?

The risks associated with HB 2024 outweigh its possible benefits, and I am therefore respectfully recommending that it not be advanced.

Thank you for the opportunity to provide this testimony.

HB-2024-HD-1

Submitted on: 3/21/2022 11:47:48 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Crampton	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today in opposition to HB2024 HD1 and to ask you also to oppose its passage.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

Respectfully,

Lisa Crampton

Kauai

HB-2024-HD-1

Submitted on: 3/21/2022 11:57:14 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leland Fausak	Individual	Oppose	Written Testimony Only

Comments:

Please vote AGAINST HB2024 HD1.

Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. Do not let mythology take precedence over the future success of our keiki.

HB-2024-HD-1

Submitted on: 3/21/2022 12:03:35 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ty Yun	Individual	Oppose	Written Testimony Only

Comments:

Dear State Senators,

This house bill must be one of the most misguided pieces of legislation in recent memory. This country and state is still a democracy where the majority should hold sway, not who is the loudest. Most people, including native Hawaiians feel that astronomy is an integral part of Hawaiian culture, contributes immensely to the economy of Hawaii, and provides the world a renowned non-polluting, non-invasive asset to be proud of. Maunakea can/should be shared!

Respectively submitted,

Ty Yun, Hawaii county resident

HB-2024-HD-1

Submitted on: 3/21/2022 12:31:54 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Teague Soderman	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

As a resident of Kona, where our family has lived since it first became a state, I care deeply about this island, its residents, and our Native Hawaiian culture, and I am writing today to urge you to vote AGAINST HB2024 HD1 which threatens to destroy astronomy on Mauna Kea. In addition to replacing UH as manger with a protester dominated board, the bill mandates a plan to eliminate astronomy on Mauna Kea. This is not acceptable. We owe it to our keiki to protect Hawaiian astronomy as a continuation of Native Hawaiian traditions of celestial navigation over thousands of years. Astronomy on Mauna Kea provides unique educational opportunities and valuable high skill employment opportunities for the next generation of Hawaiians. According to NASA, Hawaii telescopes are leading the world in astronomical observations of potentially hazardous asteroids and play a critical role in protecting the planet from potential asteroid impacts like the one which caused the dinosaur’s extinction. To put it simply, Hawaiian telescopes could save the world. We could save all of humanity if by perpetuating our culture of astronomical observation. Please show support for astronomy on Mauna Kea by voting against HB2024.

To the extent this effort continues, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given

wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Teague Soderman, House District 5

HB-2024-HD-1

Submitted on: 3/21/2022 12:34:03 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Geoff Nelson	Individual	Oppose	Written Testimony Only

Comments:

This bill tries to put us back a century, and denies our people the economic, scientific, and employment that astronomy brings to the BI. The relative handful of very vocal opponents claim to know what is "sacred", but cannot even agree among themselves what it is. Don't cave to pressure from fanatics, do what is right for the majority, who clearly support this bill. The majority is watching, and we vote.

HB-2024-HD-1

Submitted on: 3/21/2022 12:34:10 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Audrey Huff	Individual	Support	Written Testimony Only

Comments:

Defend Mauna Kea! Prioritize environmental protection and Indigenous sovereignty over commercialization.

Aloha Senators,

Please do not pass HB 2024

UH management of Mauna Kea in the past wasn't perfect but cutting the University entirely out of the management is a grave mistake as astronomy is probably Hawai'i's most important, clean "industry." Astronomy is important to the education of our young from kindergarten through the University - it opens the eyes of our keiki to the wonders of the stars which guided the first Polynesians to Hawai'i. The study of astronomy enables this generation to sail the world with the Polynesian Voyaging Society. Astronomy also contributes good jobs and many dollars to our economy. To cut UH from having a say concerning the summit, turns our back on science and the needed collaboration of all our residents concerning the management of Mauna Kea.

The Mauna Kea Stewardship Authority cuts out the astronomy community and then directs that at least 3 native Hawaiians would be on the board. This gives the Native Hawaiian community an outsized say in what transpires on state lands at the summit. We cannot allow any one group to claim the summit for their preferred purpose, especially if it is for religious purposes. One may feel the summit is a sacred site, but in our country, and in any true democracy, church and state need to be separated. We don't want a crucifix on the summit, nor do we want offerings to Pele placed there.

The summit is awesome to all of us! It needs to be better managed - the telescopes need limits, and they need to be built, decommissioned, and rebuilt with extreme care concerning the natural areas adjacent to them. The telescopes need to be situated on the best earthly site for telescopes - Mauna Kea.

Please do not pass this deeply flawed bill.

Mahalo nui, Susan and Robert Irvine

HB-2024-HD-1

Submitted on: 3/21/2022 12:50:00 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

It is telling that although the UH has done a pitiful job of managing the Mauna, it states that it is the only entity in existence with the capacity to manage it and be the "most capable steward." The lies perpetrated upon the Hawaiian people continue. I strongly support HB2024, but I am just a kanaka maoli. But even if I had a financial interest, like all those telescopes, vacation rental, commercial trail and tourist businesses who are opposed to it because they would lose money, I would still support it. Justice for the Hawaiian people is long overdue and has to begin urgently with HB2024. Mahalo.

HB-2024-HD-1

Submitted on: 3/21/2022 12:50:04 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thomas Blackburn	Individual	Oppose	Written Testimony Only

Comments:

Mahalo for the opportunity to comment on HB2024 HD1.

The very foundation and purpose of HB2024 is predicated on the widely accepted premise that UH is doing a horrendous job of managing Maunakea. Even though they have made tremendous progress on that score since the critical 1998 state audit, critics of UH management seem glued to that report, with no subsequent information allowed for discussion. From the accepted conventional wisdom, one would not hear that UH management has won several awards for cultural and natural preservation on Maunakea in the last few years. And given their hard-earned experience in managing the mauna more and more effectively, it seems counter-productive, to say the very least, to aim toward setting up a new management body, with no experience. Moreover, given the real-world trajectories of past land transfer directives (e.g., Act 90) it seems clear that a three-year goal for transferring management from the Center for Maunakea Stewardship to a new governing authority is quite unrealistic and likely to be fraught with unforeseen complications and delays.

HB2024 HD1 continues to follow an unquestioned concept of the sacredness of Mauna Kea--not just selected sites, but the entire summit, seemingly from 6500 feet up. It turns out that even many Native Hawaiians do not agree with that assessment. A very clarifying response on that topic was given by Master Navigator Kalepa Baybayan, before his untimely death last year—that Maunakea is highly spiritual, but not sacred, with the term sacred pertaining specifically to the practice of religion. Judge Amano’s summary of her findings in the 2016-17 Contested Case Hearing regarding TMT certainly seem like they have not been fully appreciated in the original formulation of HB2024:

387• Under the foregoing, to withhold approval of the TMT Project based on the Petitioners’ and Opposing Intervenors’ arguments that their religious beliefs and practices should hold veto power over all uses of the lands of Mauna Kea, would violate the Establishment Clause of the federal and state constitutions and is hereby rejected.

Although not identical, it seems like a significant portion of this type of veto power over not only astronomy, but over many uses of Maunakea, has found its way right into HB2024.

Additionally, it seems unthinkable that there is still no room for an actual representative of astronomy on HB2024 HD1’s proposed stewardship authority. Astronomy is an important part of

both the State's and Hawai'i Island's economies, and, importantly, of their potential to further cultivate a scientific and technological base that offers much-needed economic diversity. That astronomy on Maunakea is a treasure of scientific endeavor for the nation and the entire world is not stated nearly often enough in discussions of the future management of the mauna. The three House Committees did provide some much-needed acknowledgment of that importance in commenting toward HB2024 HD1, but did not translate that acknowledgement into the critical substance of an amendment providing for an astronomy representative on the proposed stewardship authority.

And finally, let's address the many valid concerns that Native Hawaiians have about their unbelievable wait for access to housing, about health care, and about educational opportunities. And yes, Native Hawaiians should have more direct input into the management of Maunakea, with that input representing the diversity of opinion within that community. But there is no need to perform a symbolic sacrifice of astronomy and other public uses of the lands on Maunakea in order to address these real issues. In fact, attempting to address them only symbolically, and not actually, would appear to be more in line with many of the grievances toward state government that have previously been expressed.

Given these considerations, I am firmly opposed to HB2024 HD1.

Sincerely,
Thomas Blackburn
Kailua Kona

HB-2024-HD-1

Submitted on: 3/21/2022 12:55:42 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Hannalore Aiwohi	Individual	Support	Written Testimony Only

Comments:

HB2024 Testimony

Hannalore Aiwohi

laiwohi@me.com

I support HB2024 and the creation of the Mauna a Wakea stewardship authority. The University of Hawaii has repeatedly demonstrated a lack of respect and care for the mauna. Mauna Kea is a symbol of injustice and the current impasse between TMT opponents and supporters cannot be rectified by current leadership. We need an independent authority not already pre-disposed to approve UH requests regardless of native Hawaiian views and values.

March 21, 2022

Subject: Testimony AGAINST HB2024 HD1

Aloha members of the Senate Higher Education and Ways and Means Committees

I am here as a concerned Hilo resident about the passage of HB 2024 HD1. I am wholeheartedly against another layer of management bureaucracy that the bill offers. Through the passage of time and better communications with the local community, UH's management of Mauna Kea has been excellent and honestly doing due diligence. To add another roadblock and further confusion and delays, I believe is not the direct intent of HB 2024 HD 1.

Currently, I serve as ASUH- Hawai'i Community College Student Government President. Many of my fellow students, including Native Hawaiian students, are concerned about having jobs when they graduate, and not being forced to leave their home due to lack of employment. The Astronomy sector for the Island of Hawai'i will provide hundreds of jobs and bring needed millions of dollars in revenue to a struggling economy that was further exacerbated by over two years in a full-blown pandemic.

The late Imiloa Astronomy Center Navigator in Residence Kalepa Baybayan believed Mauna Kea is big enough to be shared by the entire community that will benefit the common good. In a time of extreme polarization, astronomy and space exploration are one of the few endeavors that bring all people together. Indeed, it can be argued that in part human curiosity brought Polynesians to the most isolated of archipelagos in the first place.

Let us move forward in honesty and unity when it comes to the stewardship of Mauna Kea that is more inclusive, efficient, and sound. HB 2023 HD 1 will simply further muddy the waters through mismanagement and biases. Thank you for your consideration.

Mahalo nui loa,



Jeff Yamauchi
Senate District 4

Melody Kapilialoha MacKenzie
579 Kāne‘apu Place, Kailua, Hawai‘i 96734

H.B. 2024, H.D. 1
RELATING TO MAUNA KEA
Senate Committee on Higher Education
Hearing: Tuesday, March 22, 2022, at 3:00 pm

Aloha Chair Kim, Vice Chair Kidani, and Members of the Senate Committee on Higher Education:

He lā hou kēia ma Mauna a Wākea.
A new day has indeed arrived on Mauna a Wākea.

I begin my written testimony with the words offered by the Working Group in its recent report, and I ask that you pass H.B. 2024, H.D. 1, to bring to fruition the promise of those words. I am an attorney, an advocate for the Native Hawaiian community, and a Professor Emerita at the William S. Richardson School of Law. I am also a hula practitioner, having studied and graduated as a kumu hula under the guidance and mentorship of Kumu Hula Māpuana de Silva of Hālau Mōhala ‘Ilima. I submit this testimony in my personal capacity.

As you are well aware, the proper stewardship of Mauna a Wākea has long been debated in the larger Hawai‘i community, with numerous Kānaka Maoli, environmental, and community groups raising concerns about the ability of the University of Hawai‘i (UH) to mālama Mauna a Wākea. Over many years, formal reviews, including four reports by the Hawai‘i State Auditor beginning in 1998 and extending to 2017, have been critical of UH’s stewardship of Mauna a Wākea. In December 2020, the Department of Land and Natural Resources received an independent evaluation of UH’s implementation of its management plan for Mauna a Wākea. This independent evaluation, the Ku‘iwalu report, found that while there had been improvement, UH had failed in significant ways. These shortcomings included: failing to timely approve administrative rules; failing to consult with the Kānaka Maoli community on cultural resource issues; and, failing to engage with the community, particularly the Native community, on education and outreach efforts.

Given the many issues raised by the community and validated by the Auditor’s reports and the Ku‘iwalu report, the House passed House Reso. No. 33, H.D. 1, in 2021. It established the Mauna Kea Working Group to provide recommendations to develop a new governance and management structure for Mauna a Wākea. H.B. 2024, H.D. 1, reflects many of the concerns examined by, and seeks to implement the recommendations of, the Working Group. Thus, I am very supportive of this bill, which creates a new governing entity for the care and stewardship of our sacred mountain and its precious natural resource. The current version of the bill recognizes the importance of the foundational Kumu Kānāwai - Ho‘okikī Kānāwai, Kua‘ā Kānāwai, Kai‘okia Kānāwai, Kīho‘iho‘i Kānāwai – and also utilizes the proper designation of Mauna a Wākea throughout. It is a comprehensive, thorough, and thoughtful plan to bring about a “new day” on Mauna a Wākea and could be a model for future ‘āina stewardship for a future Native Hawaiian government.

I understand that questions have been raised about parts of the bill stating that certain members of the authority should be Native Hawaiians (such as a Native Hawaiian individual who is a recognized practitioner of Native Hawaiian traditional and customary practices associated with Mauna a Wākea) and whether that might raise constitutional concerns. I have examined and helped to defend the constitutionality of Native Hawaiian programs over the years and wrote a chapter in the *Native Hawaiian Law: A Treatise* (2015) addressing equal protection challenges to similar laws. While challenges have been made alleging that “Native Hawaiian” constitutes a racial classification under the 14th amendment to the U.S. Constitution, for various reasons none of those challenges have been successful. In addition,

MacKenzie Testimony, H.B. 2024, H.D. 1 – p. 2

the State of Hawai‘i, through Act 195 (2011), has recognized its special legal and political relationship to the indigenous people of Hawai‘i. Moreover, at a federal level, there are hundreds of laws enacted also recognizing Native Hawaiians as an indigenous peoples of the United States, and providing benefits specifically to those of Native Hawaiian ancestry. In 2016, the federal government promulgated a rule, 43 C.F.R. part 50, that specifically acknowledges the existing special political and legal relationship between the U.S. government and the Native Hawaiian people. Thus, although there may be a legal challenge, there is certainly enough state and federal law to support the language in H.B. 2024, H.D. 1 specifically calling for the appointment of Native Hawaiian cultural practitioners to the Mauna ā Wakea authority.

Your action now to approve this bill would truly help to move the State forward on the path of pono and justice in its relationship to Mauna a Wākea and the Native Hawaiian community. As a recent *Civil Beat* commentary, written by several members of the Mauna Kea Working group, stated: “this legislation is a substantial improvement to the status quo and the best way forward, for the sake of the mauna. To remain in the status quo will result in continued conflict over the care and future of the mauna and a return to Kia‘i sitting with arms interlocked on a closed road.” Mahalo for the opportunity to present this written testimony in **support** of H.B. 2024, H.D. 1.

HB-2024-HD-1

Submitted on: 3/21/2022 12:57:31 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Penn	Individual	Support	Written Testimony Only

Comments:

This is so important to protect our sacred mountain. I support HB2024 but it is just a first step, we have to start somewhere. We must put the management of Mauna Awakea into Hawaiian Hands.

HB-2024-HD-1

Submitted on: 3/21/2022 1:02:36 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Agorastos	Individual	Oppose	Written Testimony Only

Comments:

I am a resident that has lived on the slopes of Mauna Kea on a farm for the last 40 years. I was raised there in a ranching and outdoor lifestyle. I now raise my biological daughter there. She and my wife have hawaiian lineage among many other ethnicities and backgrounds. We work hard to instill qualities in our daughter to be respectful in all aspects of life, especially our home on the mountain where we all live.

I do not support removing stewardship from UH. I am a farmer, a rancher, a taxpayer, and a natural resource specialist in my professional capacity. While no entity will do a perfect job managing the resources of Mauna Kea, UH has done a very good job in my opinion and continues to strive to do a better job. I too want my daughter to enjoy what the mountain can provide, and hopefully she too will have the opportunity to give back to the mountain. I don't believe by changing the name and the entity that manages such an important and complex resource will change the the outcome of the mountain for the better. Many of the premise of the bill, while good intentioned, will not be solved by removing UH as the steward. Continuing to work with UH to improve perceived short comings by providing increased funding and audits may help. We are the 50th state in the United States of America. All citizens have equal voice. Listening to all voices, not just the loudest will help.

I oppose HB2024 HD1

Thank You, Nick Agorastos

Testimony for HB2024

Aloha,

First I would like to say that removing the testimony box to an upload file only option is not conducive to participation and I believe should be rectified by adding the comment/testimony box as an additional option. Very frustrating to see it removed knowing it makes the testimony process more difficult for many.

As for HB2024 I think this Bill deserves support, but that it also needs some adjustments. In its current writings it is still very controversial, an example being the amount of people chosen by the governor and how that will automatically cast a majority, there is no fairness or protection from corruption as such. There are more examples and I'm sure the lāhui will speak on them. If supported, before this is made into law, I recommend more opportunities for the input of as many Kānaka Maoli as possible and working towards resolutions on how this Bill can best serve them and the protection of Mauna a Wākea. If this Bill is not intended for that purpose it should be rewritten until it is.

From a hoaloha with regards,

Melissa Tomlinson

HB-2024-HD-1

Submitted on: 3/21/2022 1:05:00 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul D Baillie	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am a long time Big Island resident, Having worked on the construction of the Canada/France/Hawaii Telescope in the mid 1970s, I see the protests against the Astronomical community as much noise by a very small segment of Hawaii's population, who seem opposed to any Progress or Advancement regardless of the loss to our Society as a whole (by the way, I never saw any protesters or practitioners during the year I Worked on Mauna Lea! Only people enjoying the Mauna!) and I agree completely with the following text:

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given

wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Paul D Baillie, [Senate District 2](#)

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

1. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.
2. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.
3. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
4. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
5. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
6. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

HB-2024-HD-1

Submitted on: 3/21/2022 1:24:30 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joyce Baker	Individual	Oppose	Written Testimony Only

Comments:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even

be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Thank you,

Joyce Baker (Senate District 11)

HB-2024-HD-1

Submitted on: 3/21/2022 1:33:22 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Gonzalez	Individual	Support	Written Testimony Only

Comments:

I strongly support HB2024. It is pass time for the management of Mauna Awakea is put back into the hands of Hawaiians. Thank you for addressing and proposing a workable framework to care for Mauna Awakea. Please vote to support and care for the Mauna.

HB-2024-HD-1

Submitted on: 3/21/2022 1:55:14 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ford potter	Individual	Support	Written Testimony Only

Comments:

As a resident of Hawai'i ***I support Bill HB2024***

I wish to see Mauna a Wākea managed by *Mauna a Wākea stewardship authority*

Please ***Pass*** bill HB2024

mahalo nui

Ford Potter of Kauai

HB-2024-HD-1

Submitted on: 3/21/2022 2:07:29 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John R. Frank	Individual	Oppose	Written Testimony Only

Comments:

Dear Committee Members,

Please don't let this bill happen to Hawaii.

Today, Hawaii has a special role in the world by hosting the international astronomy. Hawaii's people and traditions have invited science and scientists' families into its local communities---- and Hawaii has grown many of its own astronomers.

This global collaboration centered on Hawaii is one of the shining glories of the State of Hawaii. It is unique in the world. It is also precious to our nation. America is fortunate because Hawaii has been such a gracious host to astronomy.

I sympathize with the frustrations of those who have launched this bill. As leaders, you should find ways to guide us all toward new levels of collaboration and partnership. This bill is not that. This bill would pander to a small minority view---- one that is not shared by most native Hawaiians. This bill would only destroy good things and wouldn't fix any problems in a lasting way.

Please oppose this bill. The debate has served its purpose. Many have learned from it. Everyone engaged in this global collaboration has heard it and noticed. As a result, the collaborators will invent new approaches to the balance we all seek in our quest to understand and share our world.

in peace,

JRF

HB-2024-HD-1

Submitted on: 3/21/2022 2:13:03 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raquel Dow	Individual	Oppose	Written Testimony Only

Comments:

I am writing to express my opposition to HB202 which would remove UH from its stewardship of Mauna Kea in favor of an as-yet established entity.

Although mistakes were made in the past, UH has worked diligently to correct those mistakes, especially with increased outreach to members of the Hawaiian community and inclusion of Hawaiians in developing plans for the mauna. However, the current legislative report throws out all of that progress and disregards any input from the rest of the residents of Hawaii.

All aspects of the community should be represented not just one vocal group. Since the earliest Hawaiians sailed to these islands, astronomy has been an important part of the culture of Hawaii.

The astronomy community should be allowed to participate in any discussions of Mauna Kea given the many benefits they provide the community such as funding for STEM education for our keiki and good paying jobs.

To approve this report would make a mockery of all the work that has been done over the past ten years in favor of kowtowing to a vocal minority. Mauna Kea belongs to all of us, not just to a few.

Raquel Dow

Volcano, HI

HB-2024-HD-1

Submitted on: 3/21/2022 2:14:00 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Choy	Individual	Support	Written Testimony Only

Comments:

As a Native Hawaiian citizen of Hawaii, I have seen throughout my life the desecration of Hawaiian lands and native places all over the country. All of which have been managed by non-natives/government agencies. By electing Mauna a Wakea as the steward, native lands go back to native hands. The Mauna would be protected and managed in Native Hawaiian interest. Our lands have been used for profit and benefit that has not reached Native Hawaiian people. By electing Mauna a Wakea as the sole authority for management, Hawaiians can decide how money should be collected and allocated to better preserve and protect the beautiful Mauna a Wakea.

From: drd@mauismileworks.com
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Cc: drd@MauiSmileWorks.com
Subject: AGAINST HB2024
Date: Sunday, March 20, 2022 9:50:08 PM

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March 20, 2022

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

A. A guiding principle of this bill should be the creation of a better Hawaii for our keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, in the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

B. The bill creates an impossibly opaque governing structure. To begin, it has an even number of members, which is a recipe for stasis, not consensus. Next, because the protesters are engaged in movement politics, which prioritizes winning over all else, the protesters will focus more energy than anyone on getting protesters appointed to this board, as every appointment will be a "win" for their movement. The bill also creates unconstitutional racial requirements for board members. This sends the entirely wrong message to our keiki and the world about the aloha spirit. We should be showing our keiki that it is the content of their character that matters, not the color of their skin, or genetic markers in their genes. The structure should be simplified so that even our keiki can understand it. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

1. Governor,
2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

C. Section 6 currently states that the authority shall establish a framework for limiting astronomy on Mauna Kea and eventually eliminating it. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our keiki and is not acceptable. It should not be contemplated, even in theory. We owe that to our keiki.

D. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

E. All implications in this bill that Mauna Kea is "sacred" to all Native

Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: tinyurl.com/Hawaiians4TMT.

While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago, as you can read about at hanahou.com/20.5/the-last-stand. Our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

F. We owe it to our keiki to protect their right to religious freedom. The TMT protesters are engaged in "movement politics", and movement politics is all about winning. Winning is the highest priority. Giving the movement small victories does not satisfy the movement, but rather encourages it to keep going. The movement will not stop until the appeasement stops. One key victory demanded by the TMT protesters is that everyone start calling Mauna Kea "Mauna a Wakea". This must stop now. All mentions of Mauna a Wakea should be removed from this bill.

Mauna Kea has never been called Mauna a Wakea. This is a modern creation. And it is not a modern creation that should be adopted. Calling Mauna Kea "Mauna a Wakea" is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

G. This cannot be said enough: we owe it to Hawaii's future, our keiki, to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

J Mickey Damerell DDS, Ms

Orthodontics

From: [laura.aquino](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Fw: AGAINST HB2024 HD1
Date: Sunday, March 20, 2022 3:37:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki.

The reality is that UH's management of Mauna Kea has been excellent. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

The bill creates an impossibly opaque governing structure. You cannot structure an authority that has flaws in the structure constitutionally. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

1. Governor,
2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago, as you can read about at hanahou.com/20.5/the-last-stand. **Our constitution prohibits the government from establishing a religion.** Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not

think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

Calling Mauna Kea “Mauna a Wakea” is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

Mahalo,

Laura Aquino ; Senate District 3

From: [Paul Baillie](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Joy A. San Buenaventura](#)
Subject: HB2024 HD1
Date: Monday, March 21, 2022 1:10:54 PM

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Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am a long time Big Island resident, Having worked on the construction of the Canada/France/Hawaii Telescope in the mid 1970s, I see the protests against the Astronomical community as much noise by a very small segment of Hawaii's population, who seem opposed to any Progress or Advancement regardless of the loss to our Society as a Whole, (by the way, I never saw any protesters or practitioners during the year I Worked on Mauna Lea! Only people enjoying the Mauna!) and I agree completely with the following Text:

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Paul D Baillie, [Senate District 2](#)

From: [Evelyn C. S. Hascall](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Dru Mamo Kanuha](#)
Cc: [Sen. Jarrett Keohokalole](#)
Subject: HB2024 HD1
Date: Sunday, March 20, 2022 5:33:35 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

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B. The bill creates an impossibly opaque governing structure. To begin, it has an even number of members, which is a recipe for stasis, not consensus. Next, because the protesters are engaged in movement politics, which prioritizes winning over all else, the protesters will focus more energy than anyone on getting protesters appointed to this board, as every appointment will be a "win" for their movement. The bill also creates unconstitutional racial requirements for board members. This sends the entirely wrong message to our keiki and the world about the aloha spirit. We should be showing our keiki that it is the content of their

character that matters, not the color of their skin, or genetic markers in their genes. The structure should be simplified so that even our keiki can understand it. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

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2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

C. Section 6 currently states that the authority shall establish a framework for limiting astronomy on Mauna Kea and eventually eliminating it. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our keiki and is not acceptable. It should not be contemplated, even in theory. We owe that to our keiki.

D. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

E. All implications in this bill that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: tinyurl.com/Hawaiians4TMT. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago, as you can read about at hanahou.com/20.5/the-last-stand. Our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

F. We owe it to our keiki to protect their right to religious freedom. The TMT protesters are engaged in "movement politics", and movement politics is all about winning. Winning is the highest priority. Giving the movement small victories does not satisfy the movement, but

rather encourages it to keep going. The movement will not stop until the appeasement stops. One key victory demanded by the TMT protesters is that everyone start calling Mauna Kea “Mauna a Wakea”. This must stop now. All mentions of Mauna a Wakea should be removed from this bill. Mauna Kea has never been called Mauna a Wakea. This is a modern creation. And it is not a modern creation that should be adopted. Calling Mauna Kea “Mauna a Wakea” is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

G. This cannot be said enough: we owe it to Hawaii's future, our keiki, to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

I am a Hawaiian, 81 years, graduate of Kamehameha School for Girls, worked at the Bishop Museum as a high school student and University of Hawaii student and currently a volunteer docent. Astronomy was very important to the Polynesian people.

You may be thinking that I’m just a “little old lady” and my concern is not important. Well! Read the excerpts from the Hawaii News Now article announcing the death of Chad Kalepa Baybayan dated Apr. 9, 2021.

Master navigator Chad Kalepa Baybayan, an instrumental crew member of the Hokulea dating back to 1975, has died at age 64, his family said Friday.

The Hokulea website says he served as captain and navigator for eight voyages.

“Since he sailed for such a long time, he has such an extraordinary, deep, very deep relationship to the Pacific Islanders,” said Baybayan’s close friend and Polynesian Voyaging Society President Nainoa Thompson.

He was also the “navigator in residence” at UH Hilo’s Imlilo Astronomy Center.

Baybayan was also a strong supporter of the Thirty Meter Telescope despite fierce backlash from many in the Native Hawaiian community.

“You know I’ve heard commentary about wanting to be on the right side of history, I also want to be on the right side of humanity,” Baybayan said, in a 2019 interview with Hawaii

News Now.

"I'm not worried about being one of the lone voices in advocacy of the Thirty Meter Telescope. I'm quite comfortable with it. I'm a navigator by trade. Navigation is a pretty lonely job. You do it by yourself, but you do it because you're convinced that what you're doing is good for society what you're doing is good for the Hawaiian community."

Considering the above "testimony" of Chad Kalepa Babayan, I urge your committee to not advance HB2024.

I am copying my district Senator Jarrett Keohokalole to also inform him of my **STRONG OBJECTION** to HB2024 HD1.

Mahalo nui loa.

Malama pono a me Ke Akua pu,

Evelyn C. S. Hascall

To: Chairperson Kim and Members of the Committee on Higher Education
From: Robert McLaren

I am submitting this testimony **in opposition** to HB 2024 HD1

This bill creates the Mauna a Wakea Stewardship Authority and directs the transfer of title to tens of thousands of acres of State land on Mauna Kea to the new Authority. It does so without providing any programmatic document laying out the basic policies and stewardship goals that the Authority will adopt. There is no management plan for achieving the goals, no financial/staffing plan and no indication of any feasibility analysis. All of this is put off until the three-year transition period. This leaves many foundational issues unaddressed and many questions unanswered. Previous testimony on HB 2024, in particular that from the Department of Land and Natural Resources and from the University of Hawaii (UH), has already pointed out a number of these top-level concerns and the large risks involved with not addressing them before deciding whether to proceed. Here are a few more.

1. How does one describe the *lands above the six thousand five hundred foot elevation line* in a way that they can be legally transferred to the Authority in fee? Will a survey and subdivision action be required? How long would that take?
2. Can the members of the Authority be compensated for their service; is that the intention?
3. The Authority's day-to-day operations will be led by an executive director. How is the executive director chosen? Can/must the executive director be one of the ten members of the Authority? Is the executive director compensated? Is the executive director a State employee?
4. The lands are to be transferred *together with all existing encumbrances*. Those encumbrances include the Science Reserve lease to UH and nine subleases for the non-UH-owned observatories (including the one for the Thirty Meter Telescope site). All of these currently run until the end of 2033. The lease to UH for the Mid-Level Facilities at Hale Pohaku runs through 2041. UH has an easement for the portion of the access road between Hale Pohaku and the Science Reserve boundary, which requires UH to maintain it. UH holds almost all of the Conservation District Use Permits for the facilities and structures located on the lands in question. These permits (like building permits) do not expire and involve both entitlements and conditions. How will the Authority handle these existing agreements and conditions while they remain in effect, and how will they figure in the transition to the new management regime?
5. The Authority is charged with developing a *single plan that dictates the management of land uses* that will be *finalized, approved and operational by the end of the transition period*. Approved by whom or by what agencies? What opportunity will there be for public input? Will the plan require an Environmental Impact Statement?

The risks associated with HB 2024 outweigh its possible benefits, and I am therefore respectfully recommending that it not be advanced.

Thank you for the opportunity to provide this testimony.

From: [lwells](#)
To: [Sen. Donovan Dela Cruz](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Glenn Wakai](#); [Sen. Kurt Fevella](#); [Sen. Lorraine R. Inouye](#); [Sen. Dru Mamo Kanuha](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Maile Shimabukuro](#); [Sen. Brian Taniguchi](#)
Subject: Opposition to Bill 2024 For Change of Management of Maunakea
Date: Monday, March 14, 2022 12:03:11 PM

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Aloha Chairs Mercado Kim, Dela Cruz, Vice Chairs Kidani, Keith-Agaran and members of the Committees on Higher Education, and Ways and Means,

I am writing today to testify AGAINST HB2024.

I am an astronomer working for one of the observatories on the summit though my job mostly entails my working from Kamuela observing remotely at night. When I first arrived here, I worked nights on the summit with astronomers, moving the telescope and ensuring the safety of people, equipment, and the mauna by watching the summit weather, ensuring systems were working, and checking for leaks in all of our systems. I consider myself a kia'i in that I do check all systems to ensure nothing bad is leaking into the environment every night via strategically placed cameras all around our summit building and leak sensors. When I first arrived, we would see Hawaiian practitioners up on the summit welcoming the Sun on special days of the year. In the first 10 years of working at the summit, those ceremonies, dwindled to the point that I did not see them the last 3-4 years I was working at the summit. We were always given fair notice of the Hawaiians presence and we did not hear about anyone coming up the last few years I was actually working at the summit which I find very sad. I consider myself very blessed to be working at such an amazing place and hope that I will not be forced into an early retirement or to seek another job if the Hawaiians limit the area for astronomy building on the summit to 0 acres, the authority you seem to be giving to them through H.B. 2024.

I was quite impressed in the Mauna Kea Working Group and Speaker Saiki for initiating and facilitating dialogue on the important issue of managing Maunakea. The group was given an impossible task - finding an alternative governing model for Maunakea that satisfies the TMT protesters, Maunakea Hawaiian practitioners and the rest of the State

of Hawaii.

The reality is that UH's management of Maunakea has improved greatly in the last 22 years that I have lived and worked here on Hawaii island. The new director of IfA has said more than once that he is planning to limit the number of telescopes operating on the summit to 9, and hopes that the TMT will be included in that number as do I. If your hope is to destroy the economy of the island at a time when we need diversity in commerce then I believe that you will do just that with the proposed management structure set up in this bill. I believe this new governance model proposed should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure with their consultation with the Hawaiian community. It is the protesting Hawaiian community which will not engage with the current management, those in management who have been born here and others who have lived here for over 30 years and who I believe would be very responsive to all the concerns of the Hawaiians. Please do not pass this bill out of your committees. If you do, you must make things more specific such that no abuse of power will be allowed.

To the extent this effort continues on, I have the following comments on HB2024:

1. The legislation currently proposes excluding the astronomy sector from having a seat on the board of the new proposed Maunakea management entity. The telescopes on Maunakea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. The new leases which UH is seeking is going to include a larger price for the lease from the observatories which will be distributed in many ways including for example, STEM education. The larger fees for the leases may be in many ways prohibitive given that the observatories are non-profit scientific institutions. While I applaud the addition of a board member to represent the University, the astronomy sector deserves a seat on the board tasked with an input for how proposed changes to management will affect the observatories, and to advocate for astronomy outreach at the visitors center assuming the Visitors center is going to be managed also by the board. That person chosen from the Maunakea

Observatories.

2. Why is it that only the nominations by the office of Hawaiian affairs is limited to persons associated with the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian studies program at Hawaii community college? Why is no one mentioned from the Dept of Hawaiian Studies from the UH system mentioned or chosen? Why not dictate that the new consultation board to the IfA called Kahu Ku Mauna (Guardians of the Mountain) include a few of these folks from the Edith Kanaka'ole Foundation and I Ola Hāloa Hawaiian studies program at Hawaii community college? Kahu Ku Mauna is a volunteer community-based council whose members are from the native Hawaiian community to advise the Maunakea Management Board, Center for Maunakea Stewardship and the UH Hilo Chancellor on Hawaiian cultural matters affecting the UH management areas. Give them seats on this volunteer council to the University. We have also never seen many Hawaiian practitioners volunteering their time on the mauna to answer the questions of visitors or provide outreach of any kind even to the observatories. I know that some have been asked and refused to come speak to the staff of at least one observatory. Most of those working for the observatories consider Maunakea to be a very special place just as the Hawaiians do.

3. Section 6 currently states that the authority shall establish a plan for limiting astronomy on Maunakea. Astronomy on Maunakea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Limiting astronomy would be a harsh setback for our children and the field of astronomy which is dominated by the scientifically productive telescopes on Maunakea and should not be accepted. All the current observatories have plans in place for their decommissioning and return to the initial pre-construction state and UH is leading and will enforce that condition for all the observatories built on Maunakea. We are already losing one telescope soon to be decommissioned, to the southern hemisphere. I feel that the members of this board should go through an orientation about how Astronomical science is done and what is needed in the field.

4. The major management failure of late has been the State's failure to enforce the law's both on the mountain by the lack of police presence and by not

arresting protesters unlawfully blockading the Maunakea Access Road to prevent the construction of the Thirty Meter Telescope. The creation of any new governing entity will merely serve to delay or prohibit TMT and the renewal of the lease that governs the current telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. The legislation should include amendments to criminal statutes to allow for harsher punishments and quicker enforcement for blocking of public roadways. But by giving the board "carte blanche", will they be giving leases to Hawaiian's who request a lease on the mountain which will be used as homesteads, or agricultural plots? Will this be the start of the sovereignty movement? The greater concern for the average Hawaiian is that they be given a say in the management of Hawaiian Homelands, let them distribute the Hawaiian lands to the Hawaiians on the lists to expedite that process. Let them homestead on HH lands and then have the state of Hawaii work to get electricity and water to those areas. I truly believe the majority of Hawaiian's find this issue to be of much greater importance.

5. The legislation includes a requirement that Maunakea above the 6500 foot elevation line be managed under HRS 205A, which governs "Coastal Lands". This seems hugely counter intuitive to the use of mountain terrain. There is no explanation for why the summit of Maunakea, which by definition in this legislation is 6500 feet higher than the coastline, would be governed as "coastal land". The most probable reason is that the protesters know this is a much more restrictive zoning classification that could be used to completely exclude astronomy from the summit. This is obviously unacceptable. No zoning changes should be made that would endanger the science of astronomy on Maunakea.

6. In talking with many Hawaiians that I consider friends from work and church, most would say that the only truly sacred parts of Maunakea are the King's Trail and Lake Wai'au. They do not consider the summit to be sacred. Also I would point out that the observatories have never denied access to the summit to any of the Hawaiian's for the purpose of performing their rituals. Only the Governor and State have done that. On a related note, the University has never been given the correct authority to police the

managed lands in the way of granting the rangers authority to write tickets, or enforce laws for those causing mischief, or destroying cultural sites. The county police only have a presence after accidents occur. Giving more money for specially trained University police to have a presence on the mauna would be most appropriate.

7. You must include a yearly audit of the collected money to ensure that the funds go specifically to the management of Maunakea lands granted to the newly formed management board just as the observatories are audited every year. These funds must go into a special fund, NOT the general fund. It has never been stated if the members of this board will be paid, or given a stipend for attending meetings, etc,... The new management board should not be put on the State payroll or be paid from funds collected from the observatories which should go to the management of Maunakea. There should also be a limitation on the use of funds which coincide with the limitations on the use of NSF funds given to scientific institutions and the granting institutions of the member nations of the observatories.

8. I also believe that it would take longer than just 3 years to transfer the management of Maunakea to the new board from the Center for Maunakea Stewardship and the University. Just reading though all the statues and understanding the laws governing the newly formed board was trying for me and I did not get through all the sections. There should be some education of the Hawaiians on the board of the prolific science that is being done and what will be needed in the future for the advancement of our knowledge of the Universe in which we live. I feel that the members of this board should go though an orientation about how Astronomical science is done and what is needed in the field. Just having space based telescopes is not enough (and monetarily prohibitive) if we don't have ground based telescope that will do follow-up of space based discoveries. Both are needed to ensure the success and understanding of the physical processes happening in the universe. The largest telescopes being built in the southern hemisphere, will not see the whole sky and we need equivalent telescopes in the northern hemisphere to follow up the vast data we will soon be getting from current and future space telescopes. As a side note, if we lost TMT to the Canary Islands, their operating costs will increase due to the

blowing sand of the
Sahara Desert. The sand is blown over the islands and etches the mirror
coatings such that
they will need to re-coat the mirrors more often. This is not as big a
problem on the summit
of Maunakea.

I thank you for your attention to this matter and in constructing an
appropriate and
fair Bill if you insist on continuing to take management away from the
University of
Hawaii.

Mahalo nui loa,

Lisa Wells, Kamuela, HI

From: [Michelle Sandell](#)
To: [Sen. Donna Mercado Kim](#)
Cc: [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Dru Mamo Kanuha](#); [Sen. Bennette Misalucha](#); [Sen. Brian Taniguchi](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Maile Shimabukuro](#); [Sen. Lorraine R. Inouye](#)
Subject: testimony AGAINST HB 2024
Date: Sunday, March 13, 2022 1:08:29 PM

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Dear Senators:

I am writing to testify AGAINST HB2024.

I believe this should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill.

The legislation currently proposes excluding the astronomy industry from having a seat on the board of the new proposed Mauna Kea management entity. The telescopes on Mauna Kea and the University of Hawaii maintain the access road and provide billions of dollars in investment and jobs to our economy. At a minimum the astronomy industry deserves a seat on the board tasked with management of Mauna Kea, either through the Mauna Kea Observatories group or the University of Hawaii, if not both.

Section 6 currently states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable.

The legislation should include amendments to criminal statutes to allow for harsher punishments and quicker enforcement for blocking of public roadways.

The legislation includes a requirement that Mauna Kea above the 6500 foot elevation line be managed under HRS 205A, which governs "Coastal Lands". There is no explanation for why the summit of Mauna Kea, which by definition in this legislation is 6500 feet higher than the coastline, would be governed as "coastal land". No zoning changes should be made that would endanger the astronomy industry on Mauna Kea.

All implication that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Thus, any mention of sacredness — if maintained — must explain this nuance and explain that there are also Native Hawaiians who do NOT think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy. Better, it should be eliminated altogether.

Thank you for reading,
Dr. Michelle Sandell
Hilo, Hawaii
PhD, Northwestern University

Writer, DiscoverHawaiiScience.com
Website guru, [Ke Ola Magazine](http://KeOlaMagazine.com)

From: [Bruce Lockhart](#)
To: [Sen. Glenn Wakai](#); [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Stanley Chang](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 1:26:29 PM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable

high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Bruce & Yuko Lockhart
Senate District 9

From: [Robert Robinson](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 11:04:02 AM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>.

While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Robert J. Robinson, Kailua.

Robert J. Robinson
Managing Partner
Kolohala Holdings, LLP
133 Kailulu Way
Kailua, HI 96734

(808) 222-1358 (Direct)
(708) 221-1358 (eFax)

LinkedIn: <https://www.linkedin.com/in/hawaiiivc/>
Email: Rob@Kolohala.com



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From: [Steven Businger](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 7:52:33 AM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

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2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.
6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the

new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

me ke Aloha, Steven

Dr. Steven Businger, Senate District 10

From: [Robert Jedicke](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 7:28:08 AM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our

children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Sincerely,

Robert Jedicke
Senate District 24

From: [Hultquist Tim](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Sunday, March 20, 2022 11:05:03 PM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the

blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Tim Hultquist, Senate District 5

From: [Lynn Beittel](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Sunday, March 20, 2022 8:34:27 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Senate Higher Education and Ways and Means Committees,

Please vote AGAINST HB2024 HD1.

The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. Please keep UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

Maunakea is one of the best places on earth to study the universe. The astronomy sector provides good jobs and lots of educational opportunities for children and young adults.

Thanks for listening,

Lynn Beittel
Waimea
Senate District 4

From: [Bob Duffer](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Sunday, March 20, 2022 8:05:07 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

We should plan for better scientific growth for our children and our state, not going a giant step backward because a small percentage want to use the mountain as hostage for other issues.

Any bill passed should give plenty room for growth, not tying anything up in a mountain of red tape.

Why would you pass a bill that's purpose is to stop astronomy on the mountain? It has been proven that the scientific community can maintain observation buildings and conservation of the land. It has also been proven that the protestors have destroyed the area around the turn off the highway. Do we want that same type of management on top of the mountain?

No bill should establish a religion that does not exist just because protestors are violating the law and not being punished for it. If the mountain is sacred, then they should have taken care of it, not destroying part of it.

Finally, you should be aware of the large majority that did not support the hostage-taking of the mountain. We had often made trips to the visitor's center but were illegally prevented from doing so. If the bill does not protect the right of every citizen to go over the road and enjoy the mountain, then it should not be passed. We had that right and freedom before the protestors moved us to second-class citizens.

Bobby Duffer
Kailua-Kona, HI 96740

From: [Sharon Hutchison](#)
To: [Sen. Donna Mercado Kim](#)
Subject: Testimony against HB2024 HD1
Date: Monday, March 21, 2022 12:10:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Senator Kim:

I am writing today to ask that you vote AGANST HB2024 HD1.

I commend the Mauna Kea working group and Speaker Saiki for continuing dialogue on the important issued of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will m merely serve to delay the renewal of the lease that governs the telescopes which expires 2033. This is, of course, the protesters' objective, but it should not to be the State Of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

Sincerely,
Sharon Hutchison, District 2

From: [Cynthia Urry](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024
Date: Monday, March 21, 2022 7:25:07 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha Astronomy Supporters,

HB2024 threatens to destroy astronomy on Mauna Kea by replacing UH as manger with a protester dominated board!

:

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
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4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

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Mahalo nui loa,

Cynthia Urry

From: [Judith Scheu](#)
To: [Judith Scheu](#)
Subject: Testimony AGAINST HB2024
Date: Sunday, March 20, 2022 8:54:56 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I encourage you to vote against HB2024. The UH has managed Mauna Kea very well. It is the State that is at fault by not enforcing the law. The protesters who blocked the Mauna Kea Access Road to prevent construction should have been arrested.

I believe the Thirty Meter Telescope project will bring a great many benefits to our State for many years to come.

Creating any new governing entity will delay TMT and the renewal of the lease governing the telescopes.

Please allow the UH's new proposed plan and structure continue and do not pass this bill out of your committees.

Mahalo,
Judith Scheu

21 March 2022

Testimony AGAINST HB2024 HD1

To members of the Senate Higher Education and Ways and Means Committees,

I am an Astronomer Emeritus at the UH Manoa Campus. I have seen and participated in the growth of astronomy on Maunakea since 1980. I am a former director of the NASA Infrared Telescope Facility. I was born and raised on Maui, and like many people in the islands I am saddened by the controversy over astronomy on Maunakea.

I support the efforts to give native Hawaiians a stronger voice in the management of Maunakea.

However, it is my view that adoption of HB 2024 will likely stop most if not all astronomy activities on Maunakea because of the delays that will occur in setting up a new governance structure, possible lawsuits, and the complex negotiations with all of the observatories and their funding agencies. Stopping the TMT and even stopping all of astronomy in Hawaii will not resolve the underlying issues raised by the Kia'i movement and it will not yield a better future for the next generation.

The University of Hawaii Master Plan for Maunakea has strict limits on astronomy development on Maunakea. The State Legislature can provide stronger oversight and require strict accountability on the execution of this Master Plan. Provisions for greater native Hawaiian governance could be inserted into the Master Plan. This approach will not satisfy everyone but it will over time address the needs of the people of our state and future generations.

Thank you for consideration of this testimony,

A handwritten signature in black ink, appearing to read 'Alan Tokunaga', written in a cursive style.

Alan Tokunaga

Retired, UH Astronomer Emeritus
Senate District 1

From: [Dodie Lau](#)
To: [Dodie Lau](#)
Cc: [Sen. Stanley Chang](#)
Subject: We Oppose HB2024 HD1 re: Mauna Kea
Date: Monday, March 21, 2022 1:43:51 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

We are writing today to ask that you vote AGAINST HB2024 HD1.

We commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. We believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, we have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
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3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in

the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Licia Lau and Michael Quinn
Aina Haina, Honolulu, Hawaii
Senate District 9

HB-2024-HD-1

Submitted on: 3/21/2022 2:25:46 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joshua Walawender	Individual	Oppose	Written Testimony Only

Comments:

I am writing in opposition to HB2024. While the intention is admirable, this bill has the potential to harm our state's leading role in science. I believe that such an entity, if properly formed and funded could lead to improved management of the mountain, but the entity formed by this bill would be vaguely defined and assembled in a far too rushed manner to do this job well.

The legislature should have considered and passed this years ago. That would have given a new entity time to be assembled and for the terms of the master lease on Maunakea past 2033 to be considered carefully and designed to satisfy all stakeholders. If this bill passes now, it creates enormous uncertainty by generating a poorly designed layer of bureaucracy.

One of Hawaii's greatest exports is knowledge. Scientists here are at the forefront of expanding humankind's knowledge in many areas. We should not risk that with a vague and rushed plan, even if it has the best of intentions.

HB-2024-HD-1

Submitted on: 3/21/2022 2:48:23 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Kuʻuleiʻawapuhi Malohi	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

Kākoʻo au i HB2024. He Hawaiʻi au. He kanaka maoli au.

Mahalo,

A. Kuʻuleiʻawapuhi Malohi

HB-2024-HD-1

Submitted on: 3/21/2022 2:49:29 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
brandi corpuz	Individual	Support	Written Testimony Only

Comments:

Aloha, I support HB2024 to protect Mauna Kea and this precious Hawaiian resource.

Thank you, Brandi Corpuz

HB-2024-HD-1

Submitted on: 3/21/2022 2:58:39 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Georgia Thompson-West	Individual	Support	Written Testimony Only

Comments:

I enthusiastically support HB 2024.

Georgia Thompson-West

Resident, Kaimuki

HB-2024-HD-1

Submitted on: 3/21/2022 2:51:07 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karli DeRego	Individual	Support	Written Testimony Only

Comments:

My name is Karli DeRego and I am a Native Hawaiian woman who was born and raised on the island of O'ahu, and I am writing today to urge you to support HB2024. Not only was I brought up in my culture to honor, love, and respect the 'āina that surrounds us, I studied Hawaiian land management, specifically at Mauna a Wakea, for my Master of Anthropology degree at the University of California, Santa Cruz. Studying the management of land at Mauna a Wakea (under the state and federal government and the University of Hawai'i), it is clear to me that Mauna a Wakea is not being and has not been appropriately managed since the last century. Not only has Mauna a Wakea been desecrated from an indigenous standpoint, but it has also unfortunately been negatively affected through an environmental and ecologically-conscious lens as well. The proper way to undo these misdeeds brought on by various organizations would be to limit the activities that encourage this desecration. Astronomical and tourist activities at Mauna a Wakea have raised flags from independent environmental organizations, governmental watchdogs, and the Native Hawaiian community (and communities here at home, on the mainland, and abroad). A step in the moral and ethically correct direction would be to support HB 2024 to limit these activities that harm the histories, environments, and peoples who are inherently intertwined with Mauna a Wakea since time immemorial.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 3:00:30 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Mitchell	Individual	Oppose	Written Testimony Only

Comments:

RE: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.

3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna

Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Jonathan Mitchell, Senate District 4

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 3:02:26 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debora Pelliccia	Individual	Oppose	Written Testimony Only

Comments:

Please do not pass this bill out of your committees.

LATE

From: [Daniel Hong](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Bennette Misalucha](#); [Sen. Brian Taniguchi](#); [Sen. Dru Mamo Kanuha](#); [Sen. Maile Shimabukuro](#); [Sen. Lorraine R. Inouye](#); [Sen. Donovan Dela Cruz](#); [Sen. Glenn Wakai](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 03/22/2022
Date: Monday, March 21, 2022 2:27:42 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's recent management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

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Mahalo nui loa,

Daniel Hong, a Hawaii Resident, an active Voter.

LATE

From: [Heraldo Farrington](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 2:50:59 PM

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Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Heraldo Farrington
Senate District 2

Heraldo Farrington
Huaka'i Consulting
PO Box 952
Volcano, HI 96785
Cell: 808.756.6978

"Helping good people do great work, safely."

LATE

Dear State Senators of the HRE Committee:

I love Maunakea. It is my favorite place in the world. I'm also an ardent environmentalist, who was part of an extremely large cohort that helped ban fracking in New York State by speaking at many town halls and working in tangent with groups like the Sierra Club. I did this for future generations, and feel Hawai'i deserves similar consideration.

That is why I am testifying *in opposition* to HB 2024 HD1.

First, I must ask: why are opponents of astronomy rewarded with accommodations for months-long protests and legislation giving them all but full management of Mauna Kea? These same individuals have fought against every compromise, including the removal of five observatories. The protesters have repeatedly broken the law, built several unpermitted structures, destroyed endangered plants, doxed a law enforcement officer, refused to comply with subpoenas, and threatened supporters into silence. Per *multiple* news reports, protesters even trashed Pu'uhuluhulu. Tents, campers, and other debris remain there, and the area is still in shambles. Yet representatives of the people Hawaii are considering a bill for the protesters and their allies that would give them significant say in managing Maunakea. This is an insult not only to the people who work on the mauna for their livelihood, but to every citizen that cares deeply for the mauna and every resident that dares to speak publicly on a controversial issue in Hawaii.

I have other criticisms. There is no justification for the Stewardship Authority's jurisdiction to extend to a 6500-foot elevation. If UH is not managing it well, even though recent audits have been laudatory, why does anyone think a new entity can do a better job maintaining a larger area? Some of the organizations involved in management, primarily OHA, have had numerous issues with transparency and resisted efforts aimed at elucidating their involvement with the protests. As I previously stated, people who oppose astronomy on Mauna Kea have already done great harm to the mauna, and refuse to accept responsibility for their damage. Meanwhile, the University of Hawaii has begun decommissioning of observatories, increased wêkiu bug sightings seven-fold, and accepted dozens of concessions for construction of the Thirty Meter Telescope. UH has done far more, but their achievements are disregarded by supporters of this bill. Why? Because opponents of UH want astronomy gone, and have said so.

The amended bill changed all references of Mauna Kea to Mauna A Wākea, without explanation except to attempt to unify the community. Individuals I've spoken to that lived in Hawaii for decades—including opponents of the Thirty Meter Telescope—had never heard of this term prior to the protests against astronomy. Further, the legislators that voted for this bill deprived the public of their right to comment on this change. The people deserve justification and to be heard.

With respect of returning the mauna to its "natural state", does this include the 74 square miles of development for the adz quarry, which is larger than the city of Honolulu and existed prior to the unification of Hawaii? Will the Stewardship Authority restore the quarry to its state prior to mining? Will the Authority maintain it? Restore it? Does letting the Stewardship's area return to

its “natural state” include hiking trails, the access road, or other human created structures and cultural resources? If any of these are exempt either for cultural or other purposes, could it also apply for observatories? This requires specificity and should be stated up front.

HSCR919-22 states: “...the University of Hawaii Economic Research Organization (UHERO) released an updated report on the economic impact of astronomy in Hawaii...the industry's direct and indirect economic impact in 2019 totaled \$221,000,000. Moreover, 1,313 jobs in the State and 611 jobs on Hawaii island alone are directly tied to the astronomy sector. The UHERO report indicated that astronomy is one of the top five economic activities in the State.” If you want Hawaii to accelerate to become a playground for the rich while its remaining residents continue to leave or remain destitute, this bill is a great way to help.

Finally, the astronomy community is given little voice on Maunakea with this bill, even though it was Hawaii that recruited astronomy to the Big Island to help it thrive. If over 600 employees have only advisory representation, what happens to their jobs? The Maunakea community themselves have assisted in restoration of the mauna, and engaged in numerous outreach and maintenance programs. They put in the effort and the work to care for the mauna. At the very least, rework this law. Or at least ensure UH is the primary manager. UH acquires building permits and cleans up after themselves.

Thank you for your consideration.

Sincerely,

Peter Maurer

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 3:50:20 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sally Marrack	Individual	Oppose	Written Testimony Only

Comments:

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high-skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Sally Marrack

resident in:

Senate District 4 (Senator Lorraine R. Inouye)

House District 1 (Representative Mark M. Nakashima)

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 4:18:59 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jonathan Latimer	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing today to testify AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and perpetuates our culture of astronomical observation for Hawaii's future, our keiki. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

A. A guiding principle of this bill should be the creation of a better Hawaii for our keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, in the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.

B. The bill creates an impossibly opaque governing structure. To begin, it has an even number of members, which is a recipe for stasis, not consensus. Next, because the protesters are engaged in movement politics, which prioritizes winning over all else, the protesters will focus more energy than anyone on getting protesters appointed to this board, as every appointment will be a "win" for their movement. The bill also creates unconstitutional racial requirements for board members. This sends the entirely wrong message to our keiki and the world about the aloha spirit. We should be showing our keiki that it is the content of their character that matters, not the color of their skin, or genetic markers in their genes. The structure should be simplified so

that even our keiki can understand it. The structure should seek to preserve our democracy by protecting the ideal of equality before the law, regardless of race, by having, for example, 1 representative chosen by each of the following:

1. Governor,
2. President of the Senate,
3. Speaker of the House,
4. Chair of the Board of Land and Natural Resources,
5. Chair of the Board of Directors of the Office of Hawaiian Affairs,
6. Hawaii Island Trustee of the Office of Hawaiian Affairs,
7. the Mayor of Hawaii Island,
8. the Hawaii Island County Council, and
9. the President of the University of Hawaii.

C. Section 6 currently states that the authority shall establish a framework for limiting astronomy on Mauna Kea and eventually eliminating it. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our keiki and is not acceptable. It should not be contemplated, even in theory. We owe that to our keiki.

D. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

E. All implications in this bill that Mauna Kea is "sacred" to all Native Hawaiians should be removed. Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: tinyurl.com/Hawaiians4TMT. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago, as you can read about at hanahou.com/20.5/the-last-stand. Our constitution prohibits the government from establishing a religion. Thus, any mentions of sacredness must explain this nuance and explain that there are also Native Hawaiians who do not think Mauna Kea is sacred, or who think its sacredness is enhanced by the use of Mauna Kea for astronomy.

F. We owe it to our keiki to protect their right to religious freedom. The TMT protesters are engaged in "movement politics", and movement politics is all about winning. Winning is the highest priority. Giving the movement small victories does not satisfy the movement, but rather encourages it to keep going. The movement will not stop until the appeasement stops. One key victory demanded by the TMT protesters is that everyone start calling Mauna Kea "Mauna a Wakea". This must stop now. All mentions of Mauna a Wakea should be removed from this bill. Mauna Kea has never been called Mauna a Wakea. This is a modern creation. And it is not a modern creation that should be adopted. Calling Mauna Kea "Mauna a Wakea" is an attempt by the protesters to impose their religious beliefs on the people of Hawaii, in violation of the Hawaiian and American Constitutions, not to mention every constitution ever established in these islands, as you can read about at tinyurl.com/MaunaKeaHistory. Changing Mauna Kea's

name to appease one group's religious beliefs chips away at our keiki's cherished religious freedom. The appeasement must stop.

G. This cannot be said enough: we owe it to Hawaii's future, our keiki, to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Jonathan Latimer

Kihei, Hawaii 96753

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 5:16:10 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tammy Harp	Individual	Oppose	Written Testimony Only

Comments:

HB2040 HD1 Mauna Kea

Aloha Senator Mercado Kim, Chair; Senator Kidani, Vice Chair; Senators Keith-Agaran, Fevella and Wakai, Members of the Higher Education Committee,

My name is Tammy Harp. I am in opposition of HB2024 HD1, Relating to Mauna Kea.

Please do not change Mauna Kea to Mauna a Wakea. Historically and in modern times Mauna Kea has been written as Mauna Kea. The different names we use is our individual preference of how we relate to Mauna Kea. I, for one, call Mauna Kea: T/the Mauna.

I do not see DHHL as a participant on this stewardship authority. Numbers 4 and 5 could have been consolidated into one seat through a representative from its' 'Aina Mauna Legacy Lands program.

As for kapu, it is an individual/family/hui/group preference to utilize a kapu to carry on traditions, behavior, and so on. Kapu is just as varied as Aloha.

Yes, there will be loss of economic gains when UH honors the Master Lease and end their astronomical reign over Mauna Kea. When will we realize that we are generally living a lie that the U.S. annexed us in 1898. Our backs should be sore from opa back everyone else but ourselves. We should be tired of being the land, sea, and sky experimental capitol under the jurisdiction of the United States.

The Mauna, similar to our other natural resources need a break from commercial economic gains. Perhaps, a 65-year break going forward.

Lastly, HB2024 HD1 Relating to Mauna Kea, should be put to rest and be deferred. In its' entirety, this document does not have the essence of the cold, the snow and the ice which I associate with Mauna Kea.

Free the Mauna, Mauna Kea. Mahalo for your time and consideration in this matter.

Tammy Harp

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 5:41:29 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Kai Barreto	Individual	Oppose	Written Testimony Only

Comments:

I strongly urge rejection of HB2024. This bill is being rushed into law and will effectively mean the end of not only TMT, but of also ALL astronomy on Mauna Kea. The logistics and time frames of continuing to do world class science here in Hawaii cannot operate with an inchoate yet to be established managing authority. Passing and signing this bill into law now will necessarily mean the winding down of one of the most important human endeavors on the island. We are playing with fire here, and we need to consider seriously the very real consequences of NO astronomy here whatsoever.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 6:16:03 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam Ohu Gon III	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill and believe it sets a bad precedent for the future of ALL lands in Hawai'i.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 6:17:00 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Betty L Dentry	Individual	Oppose	Written Testimony Only

Comments:

Save Astronomy on Maunakea as a Nation Treasure

This bill proposed to enact a new governing entity will take years and hampers Land Authorization (a new state lease) and threatens the existence of astronomy on Maunakea. Look at Act 90 as an example of a timeline. **Passed in 2003, Act 90** directed the transfer of state-owned agricultural land from DNLR to the Hawaii Department of Agriculture. Nineteen years later, the land transfer is still not finished.

Astronomy on Maunakea, as a state policy, is a viable high-tech endeavor that actively employs over 1,000 people on Hawaii Island, including STEM related jobs.

The astronomical work done by the Maunakea Observatories contributes to humankind discoveries helping to shape our view of the world. The summit of Maunakea is the best place in the world to view the night sky from the Northern Hemisphere.

Bill unnecessarily expands land jurisdiction

This bill severely limits usage from the general public and expands jurisdiction to include the whole mountain from the 6,500 ft. elevation at the Saddle Road Junction to the summit. These are public lands from which all Hawaii residents and visitors from around the world should have access to. This plan proposes restricted access and limits public use.

This bill proposes that a governing entity make all land use decisions regarding the proposed 120,000-acre site, excluding the current state processes including working with the Land Board for Conservation District Use Permits. We must protect the checks and balances for managing public lands.

Good management is already in place

University of Hawaii and the Center for Maunakea Stewardship successfully manages 11,000+ acres including the 5,000-acre Mauna Kea Science Reserve. It's stewardship has garnered the State Historic Preservation Award, numerous awards for protection of cultural and natural resources and accolades for its stewardship from the Department of Land & Natural Resources.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 7:31:59 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noel Morin	Individual	Oppose	Written Testimony Only

Comments:

Dear Chair Kim and Vice-Chair Kidani,

Although I appreciate the intent of this bill, I am opposed to it as it will doom our critical astronomy ecosystem, one that employs many, contributes significantly to our economy, and creates invaluable learning and discovery opportunities for our youth and scientists here and across the globe.

Thanks for the opportunity.

Noel Morin - Hilo

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 7:48:58 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
jocelyn arboleda	Individual	Support	Written Testimony Only

Comments:

I support the Mauna a Wakea stewardship authority as the sole authority for management of state-managed lands on Mauna a Wakea. This is the land of Native Hawaiian's and therefore the authority on commercial use for activities should be theirs,

thank you

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 7:54:37 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JOAN JACKSON	Individual	Oppose	Written Testimony Only

Comments:

I am a resident of the Big Island for the past 22 years. I hope that for the benefit of all of us you will opposed this bill. We have a unique resource here that can be used to increase our knowledge and understanding of the universe. Please look forward while considering the past. World class study of the skies can continue to be done here in our backyard. It makes no sense to allow the vociferous few to dictate the path forward for Mauna Kea.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 8:19:37 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marianne Takamiya	Individual	Oppose	Written Testimony Only

Comments:

Marianne Takamiya

21th March 2022

Hilo, HI 96720

Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Dear members of the Senate Higher Education and Ways & Means Committees,

I write to ask that you vote against HB2024 HD1. Legislation that impacts science should seek high quality information from scientific sources. This bill is ill-informed. The legacy of this bill, if it becomes law, will negatively impact the future of Hawai`i, increasing the already fast-pace brain drain.

Sincerely,

Marianne

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 8:42:33 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
/Roseann Leiner/	Individual	Oppose	Written Testimony Only

Comments:

Aloha Members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent in recent years. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This may be the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that our dream and aspiration is creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the amazing astronomical and wonderful natural resource that it represents.

We should protect the incredible astronomy sector that we have built in Hawaii over the past 60 years. And remember that astronomy reflects some of the traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years

that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Thank you for your consideration,

Roseann Leiner, resident of Hawai'i Senate District 2 (Puna, Big Island)

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 8:59:37 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark R. Hagadone, Ph.D., FACFE	Individual	Oppose	Written Testimony Only

Comments:

Testimony against HB2021 HD1

Hearing on 3/22/2022 3PM

Members of the Senate Higher Education and Ways and Means Committees

I am opposed to HB2021 HD1 and respectfully ask that you vote against passage of this bill. UH's management of Mauna Kea has be exemplary. The UH should be allowed continue its management of Mauna Kea under its new proposed plan and structure equitably addressing concerns and issues which have evolved over the past several years.

Astronomy, research, and sustainable high technology on Mauna Kea continues to be a vision in the eyes of our growing keiki. It is a sustainable, nonpolluting, economically viable, high technology, pathway into the future of our State and its citizens. WE NEED THIS.

This technology is squarely in sync with the perpetuation of Hawaii's tradition of celestial navigation, its cultural sensitivities when considering the heavens above us and of the people of Hawaii, who continue to hunger for the knowledge, foresight, and wisdom of the Heavens above. Mauna Kea is a pathway to those Heavens. Mauna Kea and the research it fosters, allows our people to "dream" and to envision what this world could be like when considering the pathways in the stars above. Every time I look up into our heavens I am struct by knowledge and the science behind the research at Mauna Kea. Don't take these away from the Hawaiian People. This first-class research deserves to thrive and to amaze the rest of the world with its insight and research. It can literally shake the foundation of the world and our knowledge of the present, past and future.

Don't remove the UH's excellent stewardship from the Mauna Kea complex. The UH has been carefully balancing many issues, often involving deliberate misinformation, including denying the fact that Hawaii's *ali'i* abolished the *kapu* religion over 200 years ago. Our State Constitution, which protects and shields all Hawaii Citizens from structured and focused bias, bigotry and abuse prohibits the government from "establishing" any religion, including those who maintain beliefs in the *kapu* religion which are being promoted to claim Mauna Kea is "sacred" as a Native Hawaiian matter.

The State Legislature should not be involved in the business of determining what is or is not sacred. Management by the UH balances these issues, in a consistent and culturally significant manner. The UH should be allowed to continue their excellent work without interference and misinformation which has been seeded throughout our community, as a cudgel to crudely divide us along cultural bias, race, and religion. Hawaii's culture of Aloha and Pono should guide us, not the culture of cancel, misinformation, and bias.

Our strength is in our UNITY as a culture, not in our divisiveness as propagated among the seeds of bias, race or religion.

Imua TMT

Mark R. Hagadone, Ph.D., FACFE

House District 20, Senate District 10

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 9:19:11 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathy Cooksey	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Kim, Vice Chair Kidani, and members of the Senate Higher Education Committee,

I am writing to ask you to vote against HB2024 HD1. My justification for opposing HB2024 overlaps heavily with the testimonies provided by the University of Hawai`i System and Imua TMT, and I'll try not to repeat their arguments.

Fundamentally, HB2024 will not solve any issue surrounding astronomy on Maunakea. It caters to those who want *zero* astronomy on Maunakea and will not compromise; this faction is responsible for the perceived "rigid dichotomy between culture and science" and "polarization between stakeholders" (quotes from the introduction of HB2024 HD1).

If the Legislature enables this faction to kill astronomy on the Island—which HB2024 will allow, albeit slowly, the fallout will be that many other current and future worthwhile projects will be in jeopardy because their stakeholders will know that a small, vocal faction of Native Hawaiians can derail the project.

And I emphasize the wording: "faction of Native Hawaiians", because Native Hawaiians are not a cohesive constituency. Patently, there are Native Hawaiians who support astronomy on Maunakea (<https://tinyurl.com/Hawaiians4TMT>).

I see the great tension astronomy on Maunakea invokes within our community, and I agree with the idea that sometimes a great change is needed to fix a big issue. However, the greater the change, the more thoughtful the planning must be. HB2024 HD1 is not well conceived and, as the UH System testimony points out, very poorly timed. I urge the Senate to vote down the bill; then the Legislature can take the time to better understand the controversy surrounding astronomy on Maunakea and the ramifications of different pathways forward.

Mahalo for your time and service,

Kathy Cooksey

PhD in Astronomy & Astrophysics and Associate Professor at UH Hilo, writing as a private citizen

LATE

Re: HB2024 Mauna Kea Management

I am submitting this testimony in opposition to HB2024, which would create a new and **unnecessary** governing entity to make all land use decisions for state lands above the 6,500 ft level on Mauna Kea. This new entity would disregard longstanding state checks and balances that have been in place for many years to manage precious public lands in Hawaii. It would also discard a management system that has been recognized for its overall successful balancing of the multiple purposes, objectives and values of an active and often opinionated group of stakeholders.

One facet of that task is the Mauna Kea Science Reserve, currently under the stewardship of the University of Hawaii and the Center for Mauna Kea Stewardship. Its stewardship has garnered the State Historic Preservation Award, numerous awards for protection of cultural and natural resources and accolades for its stewardship from the Department of Land & Natural Resources. Moreover, the astronomical research made possible by the current facilities employs over 1,000 people in Hawaii and is a viable hi-tech, STEM industry for the state. Astronomy on Mauna Kea is, indeed, a treasure for our nation as well as our state. In my opinion, HB2024 would create structural and functional obstacles to continuing to develop the educational potential of this extraordinary site in a way that is sensitive and responsive to its very real cultural and environmental needs.

Successive audits of the management of these lands have clearly demonstrated steady improvement in the stewardship of the current entities charged with this monumental task. Quite literally decades of effort have gone into bringing differing viewpoints and aims together to create a structure that encourages collaboration, consultation and action. I strongly object to throwing all this effort, experience and knowledge away and substituting a new entity to start all over at step 1.

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 9:40:09 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrik Jonsson	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators,

I urge you to vote against this bill.

First, and most important, I do not agree with the premise that "... Mauna a Wākea has come to symbolize a rigid dichotomy between culture and science, often leading to polarization between stakeholders on Mauna a Wākea and local communities." This is a false equivalence. In my opinion, the astronomy community has *never*, in act or words, shown any intent to deny the use of the Mauna to other groups. In contrast, it is a subset of the local community that wants to deny the use of the Mauna to others. I see this bill as nothing but a Trojan Horse intended to kill astronomy in Hawaii. This new Authority would have the express aim "to *limit* astronomy development" but, perhaps more crucially, removing the UH from its current charge would mean years of delays in negotiating the renewals of the observatory subleases and in finalizing TMT site selection. This would likely mean the effective death of astronomy in Hawaii and, no doubt, is the true aim of this bill.

Instead of this bill, I believe the State should clearly state its support for the world-class astronomy being done in Hawaii. In addition to bringing in money and well-paying jobs to the local economy, the presence of the observatories gives our keiki access to educational resources that are far beyond what's usually present in communities of similar size and isolation. The UH and the astronomy community has worked hard to minimize the environmental impact of astronomy activities and old issues dating back to the 1998 audit should not be used as an argument 25 years later, when the vast majority of the issues brought up in that audit have since been rectified.

Finally, I do not agree that the State should be in the business of declaring what is and is not sacred. Separation of church and state should be maintained. Beliefs are individual, and Hawaiians are far from in agreement on the spiritual status of Mauna Kea.

Please do not pass this bill out of your committees.

Regards,

Patrik Jonsson, Hilo, HI

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 9:59:12 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Junette Nakamura	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2024

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 10:55:51 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexander K.D. McNicoll	Individual	Support	Written Testimony Only

Comments:

I am in **STRONG SUPPORT** of HB2024.

LATE

Saving Mauna Kea telescopes permits saving the Earth

Mark Boslough

My wife and I are visiting from New Mexico. We realize that we do not have a say in internal Hawaii matters, but hope that our opinions will provide a perspective worth consideration. We are spending our last week of vacation on the Big Island and today we drove up Mauna Kea as far as we were allowed. We believe that Mauna Kea is sacred. We believe our entire planet and every life form on it is sacred. Mauna Kea is special for many reasons in addition to its beauty and history. It is crucial for saving our planet.

In the summer of 2019, astronomers had an opportunity to test the idea that a large comet broke up into many fragments, forming a dangerous swarm that crosses Earth's orbit. The swarm was predicted to come close enough to observe and astronomers had a plan to do a survey determine whether or not the swarm existed, and whether any of the fragments within it are on a collision course with the Earth. They survey never happened, because Mauna Kea was closed by protesters at the crucial time. We do not know if we lost our only opportunity for advance warning of a large (possibly catastrophic) impact in the future, that we could have prepared for or prevented. There will be future opportunities for detecting threatening comets and asteroids from Mauna Kea, but only if it is managed in a way that will keep these telescopes operational.

Asteroid warnings are very much like the tsunami warnings that save lives of Hawaiians. If measurements can be made early enough, warnings can go out. For tsunami warnings, the instruments are seismometers, buoys, and tide gauges that are distributed throughout coasts and oceans. Some are on land and in waters belonging to indigenous people around the Pacific. Others are in international waters. Others are on continental coasts. The tsunami warnings protect everyone, because everyone cooperates.

For asteroid warnings, telescopes are required, and telescopes cannot be placed anywhere. Mauna Loa is a uniquely good location for telescopes that can provide advance warning to save the lives of Hawaiians and others around the world. The best way to respect a sacred mountain is to allow it to be used to help save a sacred planet and the sacred lives on it.

For more information on the lost comet swarm observing opportunity:

<https://asteroidday.org/resources/asteroid-learning/meteor-marvelling-noctilucent-clouds-and-us/>

Information about how astronomers supported the efforts by indigenous people save Bears Ears National Monument:

https://www.huffpost.com/entry/is-the-moon-house-an-american-stonehenge_b_5935ec41e4b033940169cd61

LATE

HB-2024-HD-1

Submitted on: 3/21/2022 10:59:44 PM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Harry Davis	Individual	Oppose	Written Testimony Only

Comments:

I can't believe this bill is alive. How can you allow a small but vocal anti-American and anti-science group to destroy astronomy ? Their aim is to take the whole mountain for themselves, and this is extremely selfish. They want no telescopes at all. This bill empowers the few at the expense of the public. I will never vote for any legislator that votes in favor of this bill.

LATE

TO: Members of the Committee on Higher Education

FROM: Natalie Iwasa
808-395-3233

HEARING: 3 p.m. Tuesday, March 22, 2022

SUBJECT: HB2024, HD1, Mauna Kea (TMT) - **OPPOSED**

Aloha Chair Kim and Committee Members,

Thank you for allowing the opportunity to provide testimony on HB2024, HD1, which establishes a stewardship authority for management of lands on Mauna a Wākea.

I support astronomy, the TMT and the unique educational opportunities they offer and am concerned they would be eliminated on Mauna Kea if this bill were to pass.

Please vote “no” on HB2024, HD1.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 12:36:11 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Tipton	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Over the past two decades, UH has proven themselves worthy stewards of the mountain. The illegal blockaders of the many-times-over approved TMT should not be rewarded for their illegal activities.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 12:48:13 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Hoenig	Individual	Oppose	Written Testimony Only

Comments:

Aloha, Chair Kim, Vice Chair Kidani,
and Senators Fevella, Keith-Agaran and Wakai,

I am writing to you today to testify against HB2024 HD1.

Even in its revised form, this bill seems highly suspect. Why isn't it being sent to the most appropriate Senate committee, which would be Water and Land? Why wasn't the public allowed to comment on the changes made to the bill when it passed the House?

As to the contents of the bill itself - it is trying to expand the current area of jurisdiction by about a factor of 10, to include the whole mountain from Saddle Road junction up to the summit. The current zoning of the various parcels differs substantially, and other entities such as DLNR and DHHL own these lands. Considering the potential legal complications, this expansion would make managing Maunakea even more challenging than it is now.

The bill also seems reckless with regard to astronomy on Maunakea. Astronomy on the mauna has long been supported by the state, and is a key, clean energy job sector in Hawaii. The current master lease for astronomy on Maunakea expires in 2033. A completely new management structure will make it next to impossible for UH to seek its lease renewal beyond 2033.

Speaking of astronomy: why is nobody from the astronomy community given a seat on the board? As I mentioned above, astronomy is a key industry for the state and collectively it is one of the largest employers on Hawaii Island. Maunakea is the best site for astronomy in the Northern hemisphere, possibly even in the world. Our understanding of the universe depends on it to a greater degree than you may realize!

Also, UH should at the very least retain co-management of Maunakea. The auditor's report commended UH's management of natural resources on MK, stating that it is "some of the best managed land in the entire state". There is no justification for simply removing a good manager of state lands - this seems like an act of spite or retribution. Not giving UH any future say at all would be a big loss, given they are the primary educational institution in our state. Astronomy on Maunakea (including the TMT, or not) would always have a connection with UH. So would biology (think Wekiu bug) or conservation...

How many of you have visited Maunakea to see for yourself the current state of the management there?

I agree that the Hawaiian community should have a voice in managing Maunakea. But creating an entirely new entity that will kill astronomy and wreck UH's solid management of Maunakea (and possibly bring up other issues - representation on the stewardship authority would be based on race, which seems troubling from a constitutional point of view) is not the way forward. I am of the opinion that this new governance proposal needs to be abandoned in favor of continuing the current management, under UH's proposed new, improved, plan. For this reason I ask you to reject this bill.

Mahalo for your time,
Michael Hoenig
Senate District 12

HB-2024-HD-1

Submitted on: 3/22/2022 6:23:24 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
sarah marusek	Individual	Oppose	Written Testimony Only

Comments:

As a resident of Hawai'i Island, I absolutely oppose this bill.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 6:34:09 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Noda	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to HB2024 and the removal of all telescopes from Mauna Kea. Since the original voyagers used the stars to guide them, astronomy and science continue to help guide and educate our human race to learn, explore, and expand our knowledge and horizons. Do not allow the errors of the past shut down this uniquely located beacon of education, hope and spirituality, which can and should continue to be on the forefront of guiding, educating and nurturing our future generations.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 7:18:48 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Smith	Individual	Oppose	Written Testimony Only

Comments:

Opposed - this bill is a really bad idea. 1) the UH does a really good job managing the mountain overall; 2) the proposal will kill astronomy at the best place on the planet for such activity; 3) a new oversight board is just more bureaucracy; 4) transfer of land to a yet-to-be-determined entity is crazy - just put it back in forest reserve to be managed by DLNR. That's what they do. a) It was taken out of forest reserve i the first place; b) Why stand up a new entity to manage when you already have one? It would be way more efficient and cost-effective to give it to DLNR; c) Managing natiral resources is really complicated, and DLNR will just have to do it anyway.

Please do not pass this bill.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 7:49:14 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Warren Chong	Individual	Oppose	Written Testimony Only

Comments:

NO, NO, NO...Bill is flawed and discriminatory.

The management of Mauna Kea has made tremendous positive progress over the last several decades. Much of the planning and infrastructure on the Big Island, State of Hawaii and Worldwide Networking continues over the last 40 years to facilitate the wondrous explorations of mankind.

Please DO NOT continue to fuel divisiveness on this issue and haphazardly shortcut what is supported by the majority of the people in Hawaii.

With my aloha,

Warren & Joan Chong, Kailua-Kona

6 Generations in Hawaii

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 7:53:33 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Yender	Individual	Oppose	Written Testimony Only

Comments:

I strongly object to this bill. Astronomy on Mauna Kea is an extraordinarily valuable asset to the State of Hawaii and to science. I predict the proposed new management structure, if it goes forward, will be a circus and will certainly result in the loss of astronomy on Mauna Kea and the world-class astronomy department (and associated funding) at the University of Hawaii.

Ruth Yender, Oahu resident, taxpayer and voter

HB-2024-HD-1

Submitted on: 3/22/2022 8:15:09 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Karen Emerson	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this bill as it would negatively impact my family and future generations of Hawaii.

OPPOSE

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:05:58 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rachel Tjoeng	Individual	Support	Written Testimony Only

Comments:

Aloha Chairwoman Mercado Kim, Vice Chairwoman Kidani, and Committee members,

My name is Rachel Tjoeng, and I am a masters candidate at the University of Hawai`i Mānoa. I am also a settler to Hawai`i. I am writing today in support of HB2024. Mauna a Wākea is a space that holds particular cultural and religious significance to many Native Hawaiians. For too long, settlers and institutions representing settlers have dictated how land is used in Hawai`i. To say that Native Hawaiians gave up religious practices related to Mauna a Wākea in the past and thus have no connection now is to refuse to allow for Hawaiians to change their religious affiliation or revitalize relationships with the Mauna that colonialism denied them. Please support HB2024.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 8:53:56 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mark Chun	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. My principle concerns with the new management authority are

(1) there is no accountability in the new management authority In the current system with UH there is continuity, state oversight, and the possibility for improving the system

(2) the bill is counter astronomy in Hawaii

(3) based on the experience of the OMKM the timeline for the new management authority to get up to speed is 5-10 years. Damage will be done to the mauna while they learn how to manage this complex situation.

LATE

From: [Michelle Sandell](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Laura Acasio](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Monday, March 21, 2022 4:37:06 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>.

While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Dr. Michelle Sandell, Senate District 1
PhD, Northwestern University

Writer, DiscoverHawaiiScience.com
Website guru, [Ke Ola Magazine](http://KeOlaMagazine)

LATE

From: [Trina Kudlacek](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm
Date: Tuesday, March 22, 2022 8:35:01 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the

blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,

Trina Kudlacek
Kaneohe, HI

LATE

From: [Lisa Parker](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#)
Subject: AGAINST HB2024 HD1
Date: Tuesday, March 22, 2022 8:42:55 AM

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Subj: Testimony AGAINST HB2024 HD1 - Hearing on 3/22/2022 3pm

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent. The creation of any new governing entity will merely serve to delay the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.
4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.
5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali'i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.
6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Lisa Mahealani Parker

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Lisa M. Parker

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LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:14:49 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cari-Rose Coleman	Individual	Oppose	Written Testimony Only

Comments:

I am writing today to ask that you vote AGAINST HB2024 HD1.

The Mauna Kea Working Group was given an impossible task - finding an alternative management model for Mauna Kea that satisfies the protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent.

This new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

Astronomy on Maunakea, as a state policy, is a viable high-tech endeavor that actively employs over 1,000 people on Hawaii Island, including STEM related jobs. Astronomy on Maunakea inspires our children and creates opportunities for their future. Don't be responsible for taking it from them.

The astronomical work done by the Maunakea Observatories contributes to humankind discoveries helping to shape our view of the world. The summit of Maunakea is the best place in the world to view the night sky from the Northern Hemisphere. Let's protect it as a state and national treasure.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:20:49 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James B Friday	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Kim, Vice-chair Kidani, and members of the Senate Committee on Higher Education,

I am writing to oppose HB 2024 and the creation of an independent stewardship authority for Mauna Kea. Creating a new land management agency would duplicate existing programs and would not solve any of the conflicts about the use of the mountain.

Sincerely,

James B. Friday

Hilo, HI

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:31:47 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Forrest R Ramey	Individual	Oppose	Written Testimony Only

Comments:

Please do NOT support this bill.

Having visited the summit of Mauna Kea numerous times over the last decade, I have NOT seen evidence that mismanagement is an issue. I feel like you are trying to satisfy protestors by sacrificing the majority of Hawaii's citizens including opportunities for our children. The thing about protestors is, they are NEVER satisfied. UH's management should continue.

I encourage you to take this opportunity to confirm that Mauna Kea is an amazing resource that can be appreciated in many ways. Native Hawaiian practices are absolutely one way to appreciate Mauna Kea. There are many others that are equally valid, including one of our greatest achievements, the Astronomy Program. References to 'sacred' should be removed.

I also am very disappointed in our legal system and how protestors became the controlling entity regarding access. This was a clear abdication of our governments responsibilities. This should be corrected.

I feel like the astronomy program is an amazing achievement and one of the great things about Hawaii. I also feel like this entire conversation is really about POWER.

Please do NOT support this bill.

HB-2024-HD-1

Submitted on: 3/22/2022 9:41:37 AM

Testimony for HRE on 3/22/2022 3:00:00 PM



Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu. I'm a Kanaka Maoli born and raised in the Hawaiian Kingdom. I'm writing in full support of HB2024 HD1.

Support HB2024 HD1.

me ke aloha ‘āina,

Nanea Lo

From: [Cheryl Ernst](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Chris Lee](#); [Sen. Jarrett Keohokalole](#)
Subject: Testimony AGAINST HB2024 HD1
Date: Tuesday, March 22, 2022 8:54:04 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As a 30+ year practitioner of hula, I strongly believe we owe it to our keiki to continue astronomy on Mauna Kea, which this proposed legislation is a thinly veiled attempt to prohibit, and I believe the ancestors would have approved.

It angers me that protestors claim to speak for those who are intimidated into silence or so occupied with busy lives that they don't take time to publicly state their support for astronomy on Mauna Kea, and that opposition spouts outdated claims long since rectified under UH management of the summit.

If legislation must go forward, please ensure that its language ensures that:

1. educational, employment and economic opportunities afforded by astronomical research on Mauna Kea be protected
2. astronomers have an equal voice in management decisions alongside Native practitioners, ethnobotanists, sports enthusiasts and the like
3. religious references be eliminated (it is not the State's role to establish religion, nor is there consensus on the sacredness of the mountain or what that even means; even the ancestors made use of its resources, quarrying for tools there!)
4. road blockages and similar actions that inhibit public access be treated as illegal civil disobedience
5. the governor be authorized to renegotiate leases not renewed within five years

Thank you
Cheryl Ke Kahi Pu'uwai Aloha Ernst
Kailua, Hawai'i

Cheryl Ernst

LATE

From: [Cheryl Ernst](#)
To: [Sen. Donna Mercado Kim](#); [Sen. Michelle Kidani](#); [Sen. Gilbert Keith-Agaran](#); [Sen. Kurt Fevella](#); [Sen. Glenn Wakai](#); [Sen. Donovan Dela Cruz](#); [Sen. Lorraine R. Inouye](#); [Sen. Maile Shimabukuro](#); [Sen. Dru Mamo Kanuha](#); [Sen. Brian Taniguchi](#); [Sen. Bennette Misalucha](#); [Sen. Sharon Y. Moriwaki](#); [Sen. Chris Lee](#); [Sen. Jarrett Keohokalole](#)
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Cheryl Ke Kahi Pu'uwai Aloha Ernst
Kailua, Hawai'i

Cheryl Ernst

LATE

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5. the governor be authorized to renegotiate leases not renewed within five years

Thank you
Cheryl Ke Kahi Pu'uwai Aloha Ernst
Kailua, Hawai'i

Cheryl Ernst

LATE

From: [Janet Mitchell](#)
To: [Sen. Donna Mercado Kim](#)
Subject: Testimony against HB2024 HD1 - Hearing on 3/22/2022 at 3pm
Date: Tuesday, March 22, 2022 9:32:59 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Aloha members of the Senate Higher Education and Ways and Means Committees

I am writing today to ask that you vote AGAINST HB2024 HD1.

I commend the Mauna Kea Working Group and Speaker Saiki for continuing dialogue on the important issue of managing Mauna Kea. The group was given an impossible task - finding an alternative governing model for Mauna Kea that satisfies the TMT protesters and the rest of the State of Hawaii. The reality is that UH's management of Mauna Kea has been excellent and the major management failure of late has been the State's failure to enforce the law and arrest protesters unlawfully blockading the Mauna Kea Access Road to prevent the construction of the amazing Thirty Meter Telescope project. The creation of any new governing entity will merely serve to delay TMT and the renewal of the lease that governs the telescopes which expires in 2033. This is, of course, the protesters' objective, but it should not be the State of Hawaii's. I believe this new governance model proposal should be abandoned in favor of continuing UH's management under UH's new proposed plan and structure. Please do not pass this bill out of your committees.

To the extent this effort continues on, I have the following comments on HB2024 HD1:

1. A guiding principle of this bill should be the creation of a better Hawaii for Hawaii's keiki. It should state that creating a Hawaii with opportunities for our keiki to work, right here in Hawaii, on the most advanced scientific endeavors, is our dream and aspiration. It should state that it is our goal to perpetuate Hawaii's tradition of celestial navigation through contributions to global scientific exploration. It should declare that the people of Hawaii wish to share our aloha spirit with all the world through pono management of Mauna Kea and the awesome astronomical and beautiful natural resource that it represents.
2. The legislation is far too complex. There are far too many specific prohibitions and requirements. If a new managing entity is going to be created for Mauna Kea, it should be given wide latitude to operate. It should only be required to protect and promote the astronomy industry, public access, and traditional and customary Native Hawaiian practices.
3. The bill still states that the authority shall establish a plan for eliminating astronomy on Mauna Kea. Astronomy on Mauna Kea provides unique educational opportunities, valuable high skill internships, and quality employment opportunities for the next generation of Hawaii. Eliminating astronomy would be a harsh setback for our children and is not be acceptable. It should not even be contemplated.

4. The legislation should include amendments to criminal statutes to deter the blocking of public roadways. It should also be accompanied by written agreements from all protester groups that they will not protest the construction of the TMT. We must not allow another generation of Hawaii's keiki to have their lives ruined by misguided protests based on falsehoods.

5. All implication that Mauna Kea is "sacred" should be removed. The state should not be in the business of determining what is or is not sacred. Furthermore, Mauna Kea is not sacred as a Native Hawaiian matter, as you can read about here: <https://tinyurl.com/Hawaiians4TMT>. While some people might maintain beliefs in the kapu religion, and as part of their belief think Mauna Kea is sacred, their beliefs are not authoritative as a Native Hawaiian matter. Hawaii's ali`i abolished the kapu religion over 200 years ago and our constitution prohibits the government from establishing a religion.

6. This cannot be said enough: we owe it to our keiki to protect the incredible astronomy sector that we have built in Hawaii over the past 60 years, which is itself built on our traditions of celestial navigation built over thousands of years. Section 5 of this bill concerning the transition period should explicitly state that the creation of this new body is not meant to destroy our beloved astronomy sector and that all current leases and permits will be respected by the new authority. It should also state that if the authority does not negotiate new leases with the telescopes on Mauna Kea within 5 years that the Governor shall be empowered to renegotiate the leases so that we can ensure the perpetuation of our culture of astronomical observation.

Mahalo nui loa,
Janet Mitchell

Sent from my iPhone

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:56:16 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Bidleman	Individual	Oppose	Written Testimony Only

Comments:

Astromy/science on the mountian is program that we can be proud of including the management of the program by UH all these years. We do not need new management/board. If Native Hawaiians are not happy with the way things are managed, a new board is not the answer.

Thank you for accepting my testimony.

LATE

HB-2024-HD-1

Submitted on: 3/22/2022 9:58:16 AM

Testimony for HRE on 3/22/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kevin Jim	Individual	Oppose	Written Testimony Only

Comments:

My family arrived in Hawaii in the 1870s. I am a fifth-generation resident of Hawaii, and I graduated with a Ph.D. in Astronomy from the University of Hawaii's Institute for Astronomy. It is because of the observatory on Maunakea that I am still able to live and work in Hawaii. Without astronomy in Hawaii, I would be forced to leave, along with my family, and hundreds if not thousands of other people. UHERO estimates that the value of astronomy to Hawaii is in excess of \$220 million per year, which is greater than the agricultural economy in the entire state.

The University of Hawaii, with the relentless support of Sen. Dan Inoyue, created the Mauna Kea Observatory, which is recognized worldwide as the very best observatory on Earth. I met Senator Inoyue many times, and he told me that astronomy was an important part of the future of Hawaii. How often can we say that state of Hawaii has built the very best facility in the world in any endeavor? Make no mistake about it, the intent of HB2204 is to end all astronomy in Hawaii by removing the very successful University of Hawaii administration and replacing it with a convoluted and deliberately non-functional governance structure intent on closing the observatory.

And what will we lose should this bill become law? We will lose:

- Sen. Inoyue's vision for the future of Hawaii, where we will no longer be able to think about how Hawaii is the world leader in exploring the universe.
- The hopes and dreams of keiki who want to stay in Hawaii and be part of the great adventure of exploration
- Hundreds, perhaps thousands of jobs from a clean industry with hundreds of millions of dollars of external funding
- The naming of many objects in the Outer Solar System and beyond with Hawaiian names, reflecting their discovery with the telescopes of Hawaii. These names will be used for the rest of human civilization, a legacy that will perpetuate Hawaii's culture impact.

Hawaii is where most of the new asteroids in the Solar System are being discovered now. It is inevitable that a large asteroid will hit our planet again with devastating consequences. Maybe just a city would be destroyed, or maybe it will be a planet-wide extinction event. Both have happened in the past and asteroids will be on collision paths with the Earth in the future. The only question is when. If detected soon enough, it's likely we can divert the asteroid and save the planet. If astronomy is ended in Hawaii, that early detection isn't as likely to occur. And the

blame for the vast devastation that will occur will be on the passage of HB2204. Don't make that mistake.