



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Water & Land
and
House Committee on Judiciary & Hawaiian Affairs
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by
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HCR 41/HR 33 – CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR A GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA KEA

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

Thank you for the opportunity to submit testimony today. The University of Hawai'i (UH) appreciates the intent of HCR 41/HR 33 but would like to express some concerns. These resolutions provide for the convening of a working group to develop recommendations for a governance and management structure for Mauna Kea. We share the desire to steward the mauna in the best way possible for the State and Hawai'i Island.

It is a privilege for the University to be responsible for stewardship of Maunakea. The mauna is one of the most revered places in Hawai'i because of its cultural, historic and environmental significance, as well as being the world's premier site for astronomy in the Northern Hemisphere. UH has met the terms of the 65-year lease granted by the State in 1968 to operate the Maunakea Science Reserve as a scientific complex to establish astronomy in Hawai'i. UH has also evolved and acknowledged in words and action over the last two decades that with the privilege of stewardship comes an even greater responsibility to mālama, to care for, Maunakea, a wahi pana or storied place.

UH is committed to continually improving its care of the mauna and stands open and ready to collaborate with all stakeholders—Native Hawaiian organizations, the community, the County of Hawai'i, the State and the State Legislature. If a working group is formed, UH will of course participate, but feels obligated to state at this time some concerns with the resolutions.

Intended Purpose

HCR 41/HR 33 does not state the intended purpose of the alternative governance structure that it proposes. Structure should support mission so the resolution should be amended to clearly articulate the goal(s) and the specific issue(s) it seeks to address. We know that for some, the question of who is responsible for stewardship of Maunakea represents dissatisfaction over many other longstanding issues. Fundamental questions about which there is deep disagreement cannot be resolved simply by reconsidering who serves as steward of Maunakea. Such questions include whether Hawai'i wants a future in which modern astronomy, culture, education and environmental stewardship coexist in a synergistic manner.

Without a clearly stated purpose, the proposed effort brings deep uncertainty to the future of astronomy in Hawai'i, which had an estimated annual economic impact of \$167 million statewide (\$91 million in Hawai'i County) according to a 2014 University of Hawai'i Economic Research Organization (UHERO) report.

Feasibility and Resultant Uncertainty

The feasibility of implementing any recommendation of the working group needs to be considered, and the current resolution is silent on this. Funders of the current Maunakea Observatories are already delaying investment decisions because of the current level of uncertainty, which intensifies during a period in which Hawai'i appears to vacillate on its commitment to astronomy and might potentially transition to a new governance structure which might not be supportive of even the current telescopes.

If a new structure is recommended and there is agreement on that recommendation, it would take an unknown amount of time to implement as it could require actions including but not limited to legislation, transfer of assets, developing new agreements among multiple parties, environmental studies, securing new authorizations, and planning for the funding necessary to ensure continued stewardship at the high level of quality provided by the University of Hawai'i. The observatories do not cover all stewardship costs as UH funds the Maunakea Rangers, stewardship activities (monitoring and caring for cultural and natural resources), studies, management plans and litigation.

UH's Community Outreach

HCR 41/HR 33 rely almost exclusively on a single review of UH's management, the Hawai'i State Department of Land and Natural Resources' (DLNR) independent review by Ku'iwalu Consulting. This provides an unbalanced starting point for the working group proposed by the resolution. The Ku'iwalu review appears to rely heavily on perception to form the conclusion that UH's consultation efforts with native Hawaiian groups are inadequate.

Specifically, the Ku‘iwalu review’s narrative that UH’s community outreach was lacking seemed to ignore UH’s multiple engagements with said groups in gathering community input across a variety of recent initiatives, and this despite being provided this information in meetings with UH while preparing its report. Those engagements include, but are not limited to:

The development of the administrative rules in 2018 and 2019. Eight public hearings were held across three islands where 225 people provided testimony and 738 individuals submitted comments. Members of the UH Board of Regents served as hearing officers demonstrating UH’s commitment to listen to the community from the highest levels, and the rules underwent three drafts based on input from the community and the Office of Hawaiian Affairs.

The development of a new internal management restructuring plan for UH-managed Maunakea lands in 2019 and 2020. More than 90 meetings were held with agency and community stakeholders while requests to meet with Hawai‘i Island kia‘i were unanswered. This work led to the creation of the Center for Maunakea Stewardship, which establishes clearer lines of accountability and improved transparency within UH’s management operations.

The UH Hilo ‘Imiloa Astronomy Center taking the lead on elevating culture and education as key priorities alongside astronomy and land stewardship. ‘Imiloa is developing educational materials for those who work on and visit Maunakea, as well as to improve the educational and cultural programming at the Maunakea Visitor Information Station and Hale Pōhaku.

Development of the New Maunakea Master Plan. UH is continuing its ongoing efforts to seek feedback from the kia‘i on the draft of a new Maunakea Master Plan through formal meetings and/or back channel communications, but these efforts thus far have not resulted in an agreement by kia‘i to engage substantively.

The Ku‘iwalu review criticized the University for not effectively engaging with stakeholders. UH’s experience is that our critics hesitate to engage for reasons such as: 1) their opposition to any form of astronomy on Maunakea and/or 2) concern that any input on their part might be taken as tacit support of UH or the Thirty-Meter Telescope. Even Ku‘iwalu acknowledged in its report that the public’s assessment of UH stewardship primarily depends on whether an individual supports or opposes telescope development on Maunakea. The ongoing outreach efforts are now further complicated by HCR 41/HR 33, as those in opposition may now have even less incentive to engage with UH.

UH's Continually Improving Stewardship

The Ku'iwalu review also failed to consider other independent reviews and assessments of UH management of Maunakea including:

- In 2017, the Hawai'i Historic Foundation presented UH with a Preservation Commendation Award, the foundation's highest recognition of preservation, rehabilitation, restoration and interpretation of the state's architectural, archaeological and cultural heritage.
- In 2014, the State auditor conducted an extensive follow up to the 1998 audit and observed: "We found that UH has developed several management plans that provide a comprehensive framework for managing and protecting Mauna Kea while balancing the competing interests of culture, conservation, scientific research and recreation." Subsequent reviews by the State Auditor have shown continuous progress and improvement.

Representation and Process

Finally, UH has come to fully understand that a process matters. The Resolutions lack a defined process for selecting members for the working group tasked with proposing a new governance structure for Maunakea. The process should ensure that the final composition fairly represents the broad range of Hawai'i Island interests, is not overly O'ahu-centric, does not favor those who oppose astronomy on Maunakea, and does not turn the question of stewardship of Maunakea into a surrogate for broader issues that cannot be resolved with a resolution or a task group.

UH Commitment

UH remains committed to being excellent stewards of the mauna and believes there is a strong foundation to build on. The University stands firmly behind the August 24, 2017, Board of Regents resolution and the "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." We stand ready to participate in any process that brings stakeholders together to engage in civil, fair, and objective discussions concerning the diverse interests and values ascribed to this special and revered place.

Thank you for the opportunity to submit testimony on these resolutions.