

# Maunakea Management Board

## Written Testimony

August 10, 2020

Public comment on Agenda item VI. B1

[Center for Maunakea Stewardship: Internal Restructuring Plan](#)

I have reviewed the following documents:

- 1) UH Board of Regents Resolution 19-03
- 2) Center for Maunakea Stewardship: Internal Restructuring Plan for Management Operations of Maunakea Lands
- 3) Alternative Maunakea Restructuring Plan

In all cases, the University and its sub-entities seek to control, regulate and enforce conditions on Native Hawaiians and the General Public on Ceded Land, Public Lands and lands held in trust within the Mauna Kea Conservation District. The internal reorganization being suggested applies only to the internal operations of the entities involved. None of the entities, except the BLNR, have any authority to impose regulations in a conservation district.

BLNR has to approve any projects on conservation land and any other activities that would seek to control, regulate and enforce conditions on Native Hawaiians and or the general public. OMKM is a lessee with less than 13 years remaining on the lease. The right-holders are the Native Hawaiians and the general public to whom the trust responsibilities apply. The State agencies do not have the authority to limit or restrict Native Hawaiians and the general public.

The BOR Resolution 19-03 describes in (9) an in-depth analysis to determine whether the management of the MKSR would be better served if transferred to a governmental or third-party entity or through alternate management mechanisms. It is not clear with whom the University felt it was appropriate to consult in the Hawaii Island Community, but there are many cultural practitioners, educators and environmental scientists I know that are passionate about pono stewardship of Mauna Kea, and were not provided any opportunity for consultation. The in-depth analysis has not been provided, to my knowledge, and yet this document seems to be one of only two management alternatives under consideration.

The level of outreach to Mauna Kea Kia'i, through an un-named third-party was certainly NOT well conducted or transparent in any way. There is no acknowledgement at all of the rights of the people for whom the land is held in trust, the rightholders, nor is there an effort to address their rights and concerns.

The MKMB Environment Committee was not a consulted party on this restructuring plan, and we would have had constructive comments if consulted.

NOTE: The Puko'a Council is mis-spelled. The Ho'olulu Council of the Hawaii (Island) Community College does not have a website or contact method, so participation could not be confirmed.

The Kualī'i Council specifically notes in its website that "Hawaiians are less than 4% of the faculty and there are virtually no Hawaiians represented in the decision-making lines within the Mānoa Administration.

Item B1 revision for submission August 20, 2020: this iteration provides an extra layer of administration with conflicting and concurrent roles. As a result, the Restructuring Objectives cited on page 6 do not clarify conflicts of interest, do not provide transparency, and the independent reporting lines make the work of the BOR far more complicated.

"Community relations", "community engagement", and "current community outreach". "changing interests of the community", "community input" are given lip-service but members of the native Hawaiian community and native Hawaiian religious practitioners have had little specific role in management to date. In fact, members of KKM who have resigned have done so because the consultation was minimal. Meanwhile the MKO is identified as an "important stakeholder" and is given a formal role (see page 10).

I am not aware of any effort by the MKMB to engage community input, other than allowing public testimony at monthly meetings. This opportunity for the public to engage at the meetings is now curtailed by a Zoom meeting designed to allow public comment only by pre-arrangement, and not at all during discussion.

The proposed Director of Stewardship Programs (DSP) would be given the job most designed to fail; integration of OMKM and MKSS functions and finance. The problems inherent in this position are fully outlined in the Alternate Maunakea Restructuring Plan (#B2). The final paragraph (B1, Page 14) describes a function to the ED that would seem to be described as the job of the DSP: "Delegation of RCUH/MKSS principal investigator authority to ED". (No mention of IfA as co-PI)

So, the DSP would not be the responsible body ultimately, as the OED and the Ifa would be co-PI. What kind of transparency is that?

Mauna Kea Science Reserve is within a State of Hawaii Conservation district, held in trust for native Hawaiians and the general public. The CMS restructuring plan does reference the 2009 Comprehensive Management Plans but does not describe the shared roles of management with the Department of Land and Natural Resources, the entity ultimately responsible for ALL activities in public trust lands, regarding planning, permitting, regulatory structure and enforcement, nor does it describe the entities responsible for communication with DLNR. For example, while Governor Ige has proposed a return of the 10,000 acre buffer within the MKSR to DLNR, no mention can be found in this document. All actionable plans must be considered by BLNR, so this proposal is internal and likely irrelevant to the permitting process.

While the University has repeatedly acknowledged its mis-management, the mitigation of significant, substantial and adverse cumulative impacts to the natural and cultural resources is not addressed. There is no evidence that this restructuring proposal intends to mitigate the damage caused by poor management over the last 50 years. The Historic District designation of

MK requires Section 106 consultation, for example, but this endeavor will require substantial time and resources not delineated or mentioned in the document.

Decommissioning of five telescopes in a decade is a major endeavor of the University and its sublessees over the coming years. The decisions about the extent to which the deconstruction will impact native Hawaiian cultural practice and burials, subsurface installations, sewage and hazardous contaminant removal, and financing of the work overall, will be very demanding work, and yet the administrative responsibilities in this document are not delineated. A reduction in scope of decommissioning will have financial implications for funding the operations of OMKM, and could be construed simply as a money funnel to UH.

NOTE: the PDRC is referenced in the text and chart, but the acronym is not in the Definitions. No method of selection or qualifications for the committee membership are described.

On page 13, 'Imiloa is described as the "Cultural and Community Engagement Lead", a key member of the CMS management team, providing strategic leadership in VIS operations, CMS support, and MKO partnership, and yet 'Imiloa has "independent and programmatic independence and does not formally report to CMS". This would appear to be shifting the burden for addressing community conflicts regarding UH stewardship policies to an entity with no formal accountability within the restructuring proposal.

The final paragraph of waffle words, including challenges, resource constraints, adaptive timeframes, budgetary limitations, personnel transitions and opportunities for improved business systems, lead one to think that all of this posturing about restructuring is aspirational.

Public comment on Agenda item VI. B2 [Alternate Maunakea Restructuring Plan](#)

Authors unknown.

Concern about ramifications of B1 proposal are noted, referring to MKSS/RCUH funding and requirements.

Reference to keeping "him" informed in third paragraph is inappropriate.(Her/him/They)

Community Boards: include Environment Committee as consulted parties on policy development and review

Notice of minimal impact projects should be given to BLNR for advice and review.

Conservation District, DLNR and HAR re Administrative rules apply to projects in Conservation Districts.

Time constraints limit my ability to comment further before the deadline for comments.

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Mauna Kea Management Board  
Meeting on August 10, 2020  
Comments by Lanny Sinkin on Item VI.B

Various State of Hawaii entities are engaged in an internal management restructuring plan for Mauna Kea.

At its meeting on August 10, 2020, the Maua Kea Management Board will consider such a restructuring proposal as Item VI.B.1 - Center for Maunakea Stewardship (hereinafter "Plan") - and a response to that proposal as Item VI.B.2 - Alternate Maunakea Restructuring Plan (hereinafter "Response").

The comments herein address the restructuring process, the Plan, and the Response.

I reviewed the following documents:

UH Board of Regents Resolution 19-03

Center for Maunakea Stewardship: Internal Restructuring Plan for Management Operations of Maunakea Lands

Alternatve Maunakea Restructuring Plan

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### The Restructuring Process

There is a fundamental flaw in the restructuring process. The underlying premise of the restructuring is that UH has authority over the “Mauna Kea lands,” which are those lands supposedly leased by UH from the Department of Land and Natural Resources.

The Department of Land and Natural Resources claim to authority over those lands derives from the illegal overthrow of the Kingdom of Hawai’i government and the subsequent fraudulent annexation of the Kingdom lands to the United States.

As stated in one spiritual tradition.

Therefore everyone who hears these words of mine and puts them into practice is like a wise man who built his house on the rock.<sup>25</sup> The rain came down, the streams rose, and the winds blew and beat against that house; yet it did not fall, because it had its foundation on the rock.<sup>26</sup> But everyone who hears these words of mine and does not put them into practice is like a foolish man who built his house on sand.<sup>27</sup> The rain came down, the streams rose, and the winds blew and beat against that house, and it fell with a great crash.

Matthew 7:24-27.

The sand is the illegal and immoral actions taken against the Kingdom by the United States.

The rock is the Kingdom that patiently waits for restoration of its government.

The Plan at issue here reflects the problems created when the foundation is sand. One ineffective measure after another is taken. Every effort bogs down and ends up accurately depicted as rearranging the deck chairs on the Titanic.

The true bedrock for management of Mauna Kea should be the identification of the Mauna as a sacred space that has unfortunately been subject to extensive abuse. Putting the sacred nature of the space at the center of the discussion would lead to a very different management structure and policies. The long term effort to erase the traditional Hawaiian faith would be replaced with a long term effort to restore the Mauna to its condition prior to the imposition of a foreign value system.

Rather than facilitating further desecration and continue to contribute to the adverse impacts caused by the astronomy industry, the management of Mauna Kea should be guided by a commitment to honor the sacred foundation as the rock from which restoration will grow.

The Plan also ends up involving numerous different entities in the process, e.g. Project Review and Approval involves the observatories, MKSS, KKM, MKMB, and the Planning and Permitting Office. Response at 4.

The multiplication of reviewing entities will lead to proceedings which limit public participation in any one proceeding and place the burden on those who might wish to participate to keep up with changes made by each reviewing entity.

### The Plan

The Plan would create a new entity called the Center for Maunakea Stewardship. The Plan states that the document was “[s]ubmitted to the Board of Regents on May 21, 2020; revised and resubmitted, August 20, 2020.” Plan at 1. The Plan further states that the Proposal was considered by the Board of Regents and deferred with the Regents extending the period for consultation with the Mauna Kea Management Board (MKMB) and Kahu Ku Mauna. Plan at 4.

The Plan contains a section titled “Center for Maunakea Stewardship Organization and Description,” which states that the section “describes the creation of the CMS.” Despite the fact that the Plan is not yet approved and, therefore, creation of the CMS is not yet approved, Dr. Greg Chun is identified as the Executive Director of Maunakea Stewardship. Plan at 4. At this time, it appears that “Mauna Kea Stewardship” is simply a presentation on the UH website, <https://www.hawaii.edu/maunakea-stewardship/>, not an organization.

### The Alternate Plan

Agenda Item VI.B.2 appears to be a response to the Plan reflecting significant discontent with the process that produced the Plan. [T]he process followed by the University raised grave concerns in the Hawaii Island community, including Kahu Ku Mauna (KKM) and Manuakea Management Board (MKMB) about the rapidity of the development of UH’s proposed restructuring, unclear basis and reasoning for the proposed plan, how the plan will be implemented, and meaningful. Consultation with UH’s Maunakea advisory boards.

This document has no identification as to its origin or authors.

The Response proposes a Planning and Permitting Office that “prepares project proposals for submittal to the KKM, MKMB, and Environmental committee (when appropriate); prepares DLNR permit application; representative before BLNR when needed.” Response at 2.

This delegation of project proposal preparation to the agency, rather than the proponent, would seem to create significant potential for conflicting interest.

Under the Response, the same office “[o]versees permitting and EA/EIS process.”  
Response Organizational chart.

To have the same entity drawing up proposals for permits and then overseeing the permit process will increase the likelihood of non-transparent decision-making and blurred lines of authority – exactly what the restructuring was supposed to prevent.

The Response states that “‘Imiloa reports to the UH Hilo Chancellor.” Response at 3. On the organizational chart, there is no line connecting ‘Imiloa to the Chancellor.

The Response’s Project Review and Approval Process creates a category of projects that will be deemed “minimal impact” and allows such projects to be approved all at one time. Response at 4. The potential for abuse is created where “minimal impact” is subject to discretionary determination. The same section allows such projects to proceed