
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH THE COMMUNITY TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY CONCERNED WITH, AND CONNECTED TO, MAUNA KEA (MAUNA AWAKEA) AND ITS UNIQUE SPIRITUAL, CULTURAL, AND NATURAL RESOURCES.

1 WHEREAS, in 1969, the University of Hawaii Institute for
2 Astronomy became the steward of the Mauna Kea Science Reserve;
3 and
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5 WHEREAS, the Department of Land and Natural Resources, as
6 keeper of conservation and ceded lands, is responsible for the
7 protection of Mauna Kea; and
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9 WHEREAS, the Legislature expressed concerns about the
10 State's management of Mauna Kea and the Mauna Kea Science
11 Reserve; and
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13 WHEREAS, during the 1997 Regular Session, Senate Concurrent
14 Resolution No. 109 requested an audit citing allegations of
15 noncompliance with various plans, violations of agreements, and
16 widely differing interpretations of permitted uses; and
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18 WHEREAS, the Audit of Management of Mauna Kea and the Mauna
19 Kea Science Reserve, Report No. 98-6, found that the University
20 of Hawaii's management of the Reserve did not ensure the
21 protection of natural resources, that the Department of Land and
22 Natural Resources' efforts to protect Mauna Kea's natural
23 resources needed improvement, and that implementation of new
24 technology impacted development within the Reserve; and
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26 WHEREAS, after the 1998 audit there continued to be
27 concerns and allegations about the lack of transparency,



1 accountability, and equity regarding management of Mauna Kea and
2 the Mauna Kea Science Reserve by the University and the
3 Department of Land and Natural Resources; and
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5 WHEREAS, in the 2005 Regular Session, Senate Concurrent
6 Resolution No. 68, S.D. 1, H.D. 1, requested that the Auditor
7 assess the progress made on its previous findings; and
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9 WHEREAS, the Follow-up Audit of the Management of Mauna Kea
10 and the Mauna Kea Science Reserve, Report No. 05-13, recommended
11 among other things, that the University of Hawaii should revise
12 and update planning documents, including the master plan,
13 leases, and subleases, to clearly reflect the roles and
14 responsibilities assigned for managing the Mauna Kea Science
15 Reserve, protecting Mauna Kea, and the stewardship matters that
16 are the jurisdiction of the Department of Land and Natural
17 Resources; and
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19 WHEREAS, in August 2006, the Circuit Court of the Third
20 Circuit of Hawaii issued an order affirming the position of
21 Mauna Kea Anaina Hou, the Sierra Club, and the Royal Order of
22 Kamehameha that a comprehensive summit-wide management plan must
23 be approved by the Board of Land and Natural Resources before
24 any further land use is considered on the summit of Mauna Kea;
25 and
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27 WHEREAS, the Legislature believes the recommendations of
28 the Auditor have not been fully implemented by either the
29 University of Hawaii or the Department of Land and Natural
30 Resources; and
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32 WHEREAS, the Legislature believes that scientific,
33 cultural, and environmental interests, the interests of those
34 with long standing residential ties to Mauna Kea, and the
35 interests of the general community can co-exist through
36 sensitivity and cultural understanding; and
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38 WHEREAS, the Legislature believes the resources being
39 derived from scientific use of Mauna Kea can be used to support
40 the advancement of Hawaiian culture, persons with long
41 residential associations with the area, and other purposes, in
42 addition to the advancement of science; and
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1 WHEREAS, Mauna Kea is a special place valued by the people
2 of Hawaii and by astronomers throughout the world that demands
3 the highest level of protection and preservation; and
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5 WHEREAS, the University of Hawaii and the Department of
6 Land and Natural Resources have made some positive changes to
7 protect Mauna Kea and the Mauna Kea Science Reserve, however,
8 the Legislature believes that much more remains to be done; now,
9 therefore,
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11 BE IT RESOLVED by the House of Representatives of the
12 Twenty-fifth Legislature of the State of Hawaii, Regular Session
13 of 2009, the Senate concurring, that the Department of Land and
14 Natural Resources, in conjunction with the University of Hawaii,
15 is requested to convene meetings with interested members of the
16 community on the island of Hawaii to address stewardship issues
17 and affirm the State's commitment to a cooperative relationship
18 with the members of the community concerned with, and connected
19 to, Mauna Kea (Mauna Awakea) and its unique spiritual, cultural,
20 and natural resources; and
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22 BE IT FURTHER RESOLVED that the Department of Land and
23 Natural Resources, in conjunction with the University of Hawaii,
24 is urged to involve the participation of those persons and
25 entities with long standing residential and ancestral ties to
26 Mauna Kea by identifying, considering, and addressing all
27 concerns, suggestions and comments, and to provide all those
28 with an interest an opportunity to find an equitable and
29 meaningful solution to the concerns raised; and
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31 BE IT FURTHER RESOLVED that the Department of Land and
32 Natural Resources is requested to always keep an open dialogue
33 and cooperation flowing between the Department and members of
34 the community interested in the protection and preservation of
35 Mauna Kea and its resources, including its cultural resources;
36 and
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38 BE IT FURTHER RESOLVED that the University of Hawaii is
39 urged to be vigilant and mindful of its responsibilities as
40 steward and user of Mauna Kea, and be an equal participant in
41 meetings relating to the management and preservation of Mauna
42 Kea; and
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1 BE IT FURTHER RESOLVED that the Department of Land and
 2 Natural Resources is requested to renegotiate current subleases
 3 for the telescopes on Mauna Kea that are owned and operated by
 4 entities other than the State to ensure that fair market lease
 5 rent is paid; and

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 7 BE IT FURTHER RESOLVED that the Department of Land and
 8 Natural Resources is requested to prepare a comprehensive
 9 management plan, consistent with the Third Circuit Court's 2006
 10 order, and the Board of Land and Natural Resources is requested
 11 to adopt the management plan after thorough public review and
 12 comment; and

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 14 BE IT FURTHER RESOLVED that the Department of Land and
 15 Natural Resources is requested to report on all progress made
 16 and any findings, recommendations, and proposed legislation to
 17 the Legislature no later than twenty days prior to the convening
 18 of the Regular Session of 2010; and

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 20 BE IT FURTHER RESOLVED that the University of Hawaii is
 21 requested to provide a complete financial accounting of all
 22 activities on the summit of Mauna Kea, including the estimated
 23 value of viewing time, value of patented information garnered
 24 from activities on the summit, and the value of all commercial
 25 activities related to Mauna Kea in a report submitted to the
 26 Legislature no later than twenty days prior to the convening of
 27 the Regular Session of 2010; and

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 29 BE IT FURTHER RESOLVED that certified copies of this
 30 Concurrent Resolution be transmitted to the Chairperson of the
 31 Board of Land and Natural Resources, the Chairperson of the
 32 Board of Trustees of the Office of Hawaiian Affairs, the
 33 President of the University of Hawaii, the Chairperson of the
 34 Board of Regents of the University of Hawaii, and the Associate
 35 Director of the Office of Mauna Kea Management.

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Mel Carroll
Della Selotti

OFFERED BY:

Gyle B. Berg

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Nunni Nowi

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