
HOUSE 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;
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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,
28 accountability, and equity regarding management of Mauna Kea and
29 the Mauna Kea Science Reserve by the University and the
30 Department of Land and Natural Resources; and



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WHEREAS, in the 2005 Regular Session, Senate Concurrent Resolution No. 68, S.D. 1, H.D. 1, requested that the Auditor assess the progress made on its previous findings; and

WHEREAS, the Follow-up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 05-13, recommended among other things, that the University of Hawaii should revise and update planning documents, including the master plan, leases, and subleases, to clearly reflect the roles and responsibilities assigned for managing the Mauna Kea Science Reserve, protecting Mauna Kea, and the stewardship matters that are the jurisdiction of the Department of Land and Natural Resources; and

WHEREAS, in August 2006, the Circuit Court of the Third Circuit of Hawaii issued an order affirming the position of Mauna Kea Anaina Hou, the Sierra Club, and the Royal Order of Kamehameha that a comprehensive summit-wide management plan must be approved by the Board of Land and Natural Resources before any further land use is considered on the summit of Mauna Kea; and

WHEREAS, the Legislature believes the recommendations of the Auditor have not been fully implemented by either the University of Hawaii or the Department of Land and Natural Resources; and

WHEREAS, the Legislature believes that scientific, cultural, and environmental interests, the interests of those with long standing residential ties to Mauna Kea, and the interests of the general community can co-exist through sensitivity and cultural understanding; and

WHEREAS, the Legislature believes the resources being derived from scientific use of Mauna Kea can be used to support the advancement of Hawaiian culture, persons with long residential associations with the area, and other purposes, in addition to the advancement of science; and

WHEREAS, Mauna Kea is a special place valued by the people of Hawaii and by astronomers throughout the world that demands the highest level of protection and preservation; and



1 WHEREAS, the University of Hawaii and the Department of
2 Land and Natural Resources have made some positive changes to
3 protect Mauna Kea and the Mauna Kea Science Reserve, however,
4 the Legislature believes that much more remains to be done; now,
5 therefore,

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7 BE IT RESOLVED by the House of Representatives of the
8 Twenty-fifth Legislature of the State of Hawaii, Regular Session
9 of 2009, that the Department of Land and Natural Resources, in
10 conjunction with the University of Hawaii, is requested to
11 convene meetings with interested members of the community on the
12 island of Hawaii to address stewardship issues and affirm the
13 State's commitment to a cooperative relationship with the
14 members of the community concerned with, and connected to, Mauna
15 Kea (Mauna Awakea) and its unique spiritual, cultural, and
16 natural resources; and

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18 BE IT FURTHER RESOLVED that the Department of Land and
19 Natural Resources, in conjunction with the University of Hawaii,
20 is urged to involve the participation of those persons and
21 entities with long standing residential and ancestral ties to
22 Mauna Kea by identifying, considering, and addressing all
23 concerns, suggestions and comments, and to provide all those
24 with an interest an opportunity to find an equitable and
25 meaningful solution to the concerns raised; and

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27 BE IT FURTHER RESOLVED that the Department of Land and
28 Natural Resources is requested to always keep an open dialogue
29 and cooperation flowing between the Department and members of
30 the community interested in the protection and preservation of
31 Mauna Kea and its resources, including its cultural resources;
32 and

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34 BE IT FURTHER RESOLVED that the University of Hawaii is
35 urged to be vigilant and mindful of its responsibilities as
36 steward and user of Mauna Kea, and be an equal participant in
37 meetings relating to the management and preservation of Mauna
38 Kea; and

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40 BE IT FURTHER RESOLVED that the Department of Land and
41 Natural Resources is requested to renegotiate current subleases
42 for the telescopes on Mauna Kea that are owned and operated by
43 entities other than the State to ensure that fair market lease
44 rent is paid; and



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

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

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

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

OFFERED BY:

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