

MAR 16 2009

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII TO CONVENE MEETINGS WITH STAKEHOLDERS TO ADDRESS STEWARDSHIP ISSUES AND AFFIRM THE STATE'S COMMITMENT TO A COOPERATIVE RELATIONSHIP WITH THE VARIED MEMBERS OF THE COMMUNITY INTERESTED IN MAUNA KEA AND ITS UNIQUE SPIRITUAL, CULTURAL, HISTORICAL, 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 under the University's lease with the Department of Land and
4 Natural Resources; and

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6 WHEREAS, the Department of Land and Natural Resources, as
7 keeper of public lands, is responsible for managing Mauna Kea in
8 general; and

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10 WHEREAS, the Legislature expressed concerns about the
11 State's management of Mauna Kea and the Mauna Kea Science
12 Reserve; and

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14 WHEREAS, during the 1997 Regular Session, Senate Concurrent
15 Resolution No. 109 requested an audit citing allegations of
16 noncompliance with various plans, violations of agreements, and
17 widely differing interpretations of permitted uses; and

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19 WHEREAS, the Audit of the Management of Mauna Kea and the
20 Mauna Kea Science Reserve, Report No. 98-6, found that the
21 University of Hawaii's management of the Reserve did not ensure
22 the protection of natural resources, that the Department of Land
23 and Natural Resources' efforts to protect Mauna Kea's natural
24 resources needed improvement, and that implementation of new
25 technology impacted development within the Reserve; and

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27 WHEREAS, after the 1998 audit there continued to be
28 concerns and allegations about the University's and the



1 Department's lack of transparency, accountability, and equity
2 regarding management of Mauna Kea and the Mauna Kea Science
3 Reserve; 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 and
13 leases and subleases, to clearly assign roles and
14 responsibilities for managing Mauna Kea and reflect stewardship
15 matters resolved with the Department of Land and Natural
16 Resources; and
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18 WHEREAS, the Legislature believes the recommendations of
19 the Auditor have not been fully implemented by either the
20 University of Hawaii or the Department of Land and Natural
21 Resources; and
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23 WHEREAS, the Legislature believes that scientific,
24 cultural, and environmental interests, the interests of those
25 with long standing residential ties to Mauna Kea, and the
26 interests of the general community can co-exist through
27 sensitivity and a cultural understanding; and
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29 WHEREAS, the Legislature believes the resources being
30 derived from scientific use of Mauna Kea can be used to support
31 the advancement of Hawaiian culture, persons with long
32 residential associations with the area, and other purposes, in
33 addition to the advancement of science; and
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35 WHEREAS, Mauna Kea is a special place valued by the people
36 of Hawaii and by astronomers throughout the world that demands
37 the highest level of protection and preservation; and
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39 WHEREAS, the University of Hawaii and the Department of
40 Land and Natural Resources have made some positive changes to
41 protect Mauna Kea and the Mauna Kea Science Reserve, however,
42 the Legislature believes that much more remains to be done; now,
43 therefore,
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1 BE IT RESOLVED by the Senate of the Twenty-fifth
2 Legislature of the State of Hawaii, Regular Session of 2009, the
3 House of Representatives concurring, that the Department of Land
4 and Natural Resources and the University of Hawaii are requested
5 to convene meetings with stakeholders to address stewardship
6 issues and affirm the State's commitment to a cooperative
7 relationship with the varied members of the community interested
8 in Mauna Kea and its unique spiritual, cultural, historical, and
9 natural resources; and

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11 BE IT FURTHER RESOLVED that the University of Hawaii and
12 the Department of Land and Natural Resources are urged to
13 involve the participation of those persons and entities with
14 long standing residential and ancestral ties to Mauna Kea, and
15 to provide all stakeholders an opportunity to find an equitable
16 and meaningful solution to the concerns raised; and

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18 BE IT FURTHER RESOLVED that the University of Hawaii and
19 the Department of Land and Natural Resources keep an open
20 dialogue and cooperation flowing between them and the varied
21 members of the community interested in Mauna Kea and its
22 resources, including its cultural resources; and

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24 BE IT FURTHER RESOLVED that the University of Hawaii be
25 vigilant and mindful of its responsibilities as steward and user
26 of Mauna Kea, and be an equal participant in the meetings; and

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28 BE IT FURTHER RESOLVED that the Department of Land and
29 Natural Resources administer and be an equal participant in the
30 meetings, and reaffirm its duty as keeper of the State's
31 conservation districts, including Mauna Kea; and

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33 BE IT FURTHER RESOLVED the Department of Land and Natural
34 Resources is requested to submit its findings and
35 recommendations to the Legislature no later than twenty days
36 prior to the convening of the Regular Session of 2010; and

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38 BE IT FURTHER RESOLVED that certified copies of this
39 Concurrent Resolution be transmitted to the Chairperson of the
40 Board of Land and Natural Resources, the Administrator of the
41 Office of Hawaiian Affairs, the President of the University of
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S.C.R. NO. 73

1 Hawaii, and the Associate Director of the Office of Mauna Kea
2 Management.

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OFFERED BY: _____

