

MAR 16 2009

SENATE 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
29 Department's lack of transparency, accountability, and equity
30 regarding management of Mauna Kea and the Mauna Kea Science
31 Reserve; and



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2 WHEREAS, in the 2005 Regular Session, Senate Concurrent
3 Resolution No. 68, S.D. 1, H.D. 1, requested that the Auditor
4 assess the progress made on its previous findings; and
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6 WHEREAS, the Follow-Up Audit of the Management of Mauna Kea
7 and the Mauna Kea Science Reserve, Report No. 05-13, recommended
8 among other things, that the University of Hawaii should revise
9 and update planning documents, including the master plan and
10 leases and subleases, to clearly assign roles and
11 responsibilities for managing Mauna Kea and reflect stewardship
12 matters resolved with the Department of Land and Natural
13 Resources; and
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15 WHEREAS, the Legislature believes the recommendations of
16 the Auditor have not been fully implemented by either the
17 University of Hawaii or the Department of Land and Natural
18 Resources; and
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20 WHEREAS, the Legislature believes that scientific,
21 cultural, and environmental interests, the interests of those
22 with long standing residential ties to Mauna Kea, and the
23 interests of the general community can co-exist through
24 sensitivity and a cultural understanding; and
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26 WHEREAS, the Legislature believes the resources being
27 derived from scientific use of Mauna Kea can be used to support
28 the advancement of Hawaiian culture, persons with long
29 residential associations with the area, and other purposes, in
30 addition to the advancement of science; and
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32 WHEREAS, Mauna Kea is a special place valued by the people
33 of Hawaii and by astronomers throughout the world that demands
34 the highest level of protection and preservation; and
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36 WHEREAS, the University of Hawaii and the Department of
37 Land and Natural Resources have made some positive changes to
38 protect Mauna Kea and the Mauna Kea Science Reserve, however,
39 the Legislature believes that much more remains to be done; now,
40 therefore,
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42 BE IT RESOLVED by the Senate of the Twenty-fifth
43 Legislature of the State of Hawaii, Regular Session of 2009,
44 that the Department of Land and Natural Resources and the



1 University of Hawaii are requested to convene meetings with
 2 stakeholders to address stewardship issues and affirm the
 3 State's commitment to a cooperative relationship with the varied
 4 members of the community interested in Mauna Kea and its unique
 5 spiritual, cultural, historical, and natural resources; and

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

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

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

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

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 29 BE IT FURTHER RESOLVED the Department of Land and Natural
 30 Resources is requested to submit its findings and
 31 recommendations to the Legislature no later than twenty days
 32 prior to the convening of the Regular Session of 2010; and

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 34 BE IT FURTHER RESOLVED that certified copies of this
 35 Resolution be transmitted to the Chairperson of the Board of
 36 Land and Natural Resources, the Administrator of the Office of
 37 Hawaiian Affairs, the President of the University of
 38 Hawaii, and the Associate Director of the Office of Mauna Kea
 39 Management.

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OFFERED BY: 

