
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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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 and leases and subleases, to clearly assign roles and responsibilities for managing Mauna Kea and reflect stewardship matters resolved with the Department of Land and Natural Resources; and

WHEREAS, the Senate 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 Senate 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 a cultural understanding; and

WHEREAS, the Senate 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

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

BE IT RESOLVED by the Senate of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, that the Department of Land and Natural Resources and the University of Hawaii are requested to convene meetings with

1 stakeholders to address stewardship issues and affirm the
2 State's commitment to a cooperative relationship with the varied
3 members of the community interested in Mauna Kea and its unique
4 spiritual, cultural, historical, and natural resources; and
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6 BE IT FURTHER RESOLVED that the University of Hawaii and
7 the Department of Land and Natural Resources are urged to
8 involve the participation of those persons and entities with
9 long standing residential and ancestral ties to Mauna Kea, and
10 to provide all stakeholders an opportunity to find an equitable
11 and meaningful solution to the concerns raised; and
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13 BE IT FURTHER RESOLVED that the University of Hawaii and
14 the Department of Land and Natural Resources keep an open
15 dialogue and cooperation flowing between them and the varied
16 members of the community interested in Mauna Kea and its
17 resources, including its cultural resources; and
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19 BE IT FURTHER RESOLVED that the University of Hawaii be
20 vigilant and mindful of its responsibilities as steward and user
21 of Mauna Kea, and be an equal participant in the meetings; and
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23 BE IT FURTHER RESOLVED that the Department of Land and
24 Natural Resources administer and be an equal participant in the
25 meetings, and reaffirm its duty as keeper of the State's
26 conservation districts, including Mauna Kea; and
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28 BE IT FURTHER RESOLVED the Department of Land and Natural
29 Resources is requested to submit its findings and
30 recommendations to the Legislature no later than twenty days
31 prior to the convening of the Regular Session of 2010; and
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33 BE IT FURTHER RESOLVED that certified copies of this
34 Resolution be transmitted to the Chairperson of the Board of
35 Land and Natural Resources, the Administrator of the Office of
36 Hawaiian Affairs, the President of the University of
37 Hawaii, and the Associate Director of the Office of Mauna Kea
38 Management.