

STAND. COM. REP. NO.

778

Honolulu, Hawaii

, 2021

MAR 04

RE: H.C.R. No. 41

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Water & Land and Judiciary & Hawaiian Affairs, to which was referred H.C.R. No. 41 entitled:

"HOUSE CONCURRENT RESOLUTION CONVENING A WORKING GROUP TO DEVELOP RECOMMENDATIONS FOR A GOVERNANCE AND MANAGEMENT STRUCTURE FOR MAUNA KEA,"

beg leave to report as follows:

The purpose of this measure to convene a working group to develop recommendations for a governance and management structure for Mauna Kea.

Your Committees received testimony in support of this measure from the Hawaiian Civic Club of Kohala and three individuals. Your Committees received testimony in opposition to this measure from Ka Lāhui Hawai'i Kōmike Kalai'āina, Ho'opae Pono Peace Project, and nine individuals. Your Committees received comments on this measure from the University of Hawai'i System, Department of Land and Natural Resources, Office of Hawaiian Affairs, Maunakea Observatories, East Asian Observatory, Chamber of Commerce Hawaii, Hawai'i Island Chamber of Commerce, Kona-Kohala Chamber of Commerce, Hawaii Island Economic Development Board, Japanese Chamber of Commerce and Industry of Hawaii, and two individuals.

2021-2142 HCR41 HD1 HSCR HMSO-1



Your Committees find that under the Hawaii State Constitution, the State holds public land as a public trust for Native Hawaiians and the general public. Your Committees further find that Mauna Kea is public land that is included in the public land trust and has been under the management of the University of Hawaii since 1968.

Your Committees also find that the Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, prepared for the Department of Land and Natural Resources by Ku'iwalu and published in December 2020, concluded that while the University of Hawaii has effectively implemented most of the management actions related to protecting the natural and cultural resources, the management actions designed to respect the Hawaiian cultural practices and resources and conduct education and outreach that were intended to restore trust between the University of Hawaii and the Native Hawaiian community have not been effectively implemented. The report also found that the lack of genuine consultation with the Native Hawaiian community has resulted in greater mistrust of the University of Hawaii and management of Mauna Kea, leading to polarizing viewpoints between various stakeholders on Mauna Kea and in our communities. This measure seeks to reconcile this mismanagement, mistrust, and polarization by convening a working group to develop recommendations, building on the findings of the Independent Evaluation of the Implementation of the Mauna Kea Comprehensive Management Plan, for a new governance and management structure for Mauna Kea that collaboratively engages with all stakeholders, particularly the Native Hawaiian community.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Water & Land and Judiciary & Hawaiian Affairs that are attached to this report, your Committees concur with the intent and purpose of H.C.R. No. 41, as amended herein, and recommend its adoption in the form attached hereto as H.C.R. No. 41, H.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Water & Land and
Judiciary & Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HCR 41	Committee Referral: WAL/JHA	Date: 2-25-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda				✓
4. KOBAYASHI, Dale T.			✓	
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.		✓		
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene			✓	
TOTAL (12)	7	2	2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				