

2010: MAUNA KEA & MAUNA KEA SCIENCE RESERVE PRESERVATION AND USE POLICY

Preamble:

The Sierra Club Hawai'i Chapter is committed to fostering a community-based vision for Mauna Kea and the Mauna Kea Science Reserve to better identify, understand, educate and preserve the integrated cultural and environmental landscape of Mauna Kea and the Mauna Kea Science Reserve. Our efforts shall take into consideration Native Hawaiian history and cultural practices; natural resources (biotic and abiotic), unique geological features, ecosystem functions, subalpine and alpine habitats, and biological communities; and conservation of the natural, cultural, and astronomical resources of Mauna Kea.

Issues:

The Board of Land and Natural Resources (BLNR) through its delegation of planning and operations of the Mauna Kea Science Reserve to the University of Hawai'i has inadequately protected Mauna Kea's natural resources. The State Auditor noted that "In its 2000 master plan, the university acknowledged that changes in plans over the years have resulted in a complex web of responsibility. The university has added to that web by tolerating different management documents without resolving inconsistencies between them or consolidating them into one comprehensive management plan. The Department of Land and Natural Resources (DLNR), as landowner, has not provided a mechanism to ensure compliance with lease and permit requirements in protecting and preserving Mauna Kea's natural resources. Although the department is mandated to protect resources, it has not regularly monitored the university for compliance with conservation district use permit requirements. We also found that the department's divisions have not coordinated their efforts in protecting natural resources and function largely independent of one another. Additionally, a management plan for the Mauna Kea Ice Age Natural Area Reserve is needed." (Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 98-6 - February 1998; and Follow-up Audit, Report No. 05-13, December 2005)

In response to the 1998 audit, the University of Hawai'i in 2000 adopted the Mauna Kea Science Reserve Master Plan. The master plan also created a new management structure, housed within the University of Hawai'i at Hilo, comprised of the Office of Mauna Kea Management, the Mauna Kea Management Board, and the Kahu Ku Mauna Council. This management structure was credited by the State Auditor as instrumental in establishing controls for the science reserve, particularly the ranger program, which has increased visitor education and awareness of Mauna Kea's cultural and natural resources. Additionally, the university has established the astronomy precinct, which confines development to 525 acres within the science reserve.

However, the State Auditor cited the university's lack of administrative rule-making authority

and weak permit monitoring. Under the general lease, the university is responsible for the protection of cultural and natural resources within its jurisdiction, but currently does not provide protection due to its lack of authority to establish or enforce administrative rules for the science reserve.

In a January 19, 2007 ruling on *Mauna Kea et al., v. State of Hawai`i, University of Hawaii, Board of Land and Natural Resources*, Civil No. 04-1-397, Third Circuit Court Judge Glenn Hara concluded that HAR §13-5-24 requires a management plan which covers multiple land uses within the larger overall area that [the University of Hawai`i Institute for Astronomy] controls at the top of Mauna Kea in the conservation district." To move forward development efforts at the summit pursuant to Judge Hara's ruling, the University of Hawai`i approved a Comprehensive Management Plan for Mauna Kea on April 9, 2009 that called for further detailed plans regarding public access, natural and cultural resources, and decommissioning. On March 25, 2010, the Board of Land and Natural Resources approved a cultural resource plan (CRP), natural resource plan (NRP), decommissioning plan (DP), public access plan (PAP) and "project submittal timeline" and "major project sequence of steps." The Comprehensive Management Plan and sub-plans employ an adaptive management approach that "recognizes that there is a level of uncertainty about the "best" policy or practice for a particular management issue, and therefore requires that each management decision be revisited in the future to determine if it is providing the desired outcome. Management actions in a plan guided by adaptive management can be viewed as hypotheses and their implementation as tests of those hypotheses."

The development and decommissioning of astronomy facilities, such as observatories, would fall under the state's definition of "land use" and would therefore be required to be analyzed in a BLNR-approved comprehensive management plan. However, the adaptive management approach employed under the University-prepared Comprehensive Master Plan limits BLNR review to the Comprehensive Master Plan which does not consider any future observatory development, referring all development plans to a document it has neither adopted nor approved, the University's 2000 Master Plan which is the only document that outlines future astronomy development on Mauna Kea. Under this approach, BLNR would never have the opportunity to review the university's astronomy development plans as required by the state's administrative rules and Judge Hara's court order. This approach effectively circumvents BLNR's responsibility to manage public trust lands for the benefit of all of the people of Hawai`i, and not primarily for the benefit of the leaseholder.

Policy Statement:

Whereas, the Board of Land and Natural Resources (BLNR) through its delegation of planning and operations of the Mauna Kea Science Reserve to the University of Hawai`i has inadequately protected Mauna Kea's natural resources to date;

Whereas, the University of Hawai`i-prepared Mauna Kea Comprehensive Management Plan approved by BLNR in 2009 and 2010 fails to meet the letter and intent of Third Circuit Court

Judge Glenn Hara's 2007 conclusion that HAR §13-5-24 requires a management plan which covers multiple land uses within the larger overall area that [the University of Hawai`i Institute for Astronomy] controls at the top of Mauna Kea in the conservation district";

Whereas, the Sierra Club Hawai`i Chapter is committed to build community alliances to foster the identification, understanding, education, protection and preservation of the integrated cultural and environmental landscape of Mauna Kea and the Mauna Kea Science Reserve;

It shall be the policy of Sierra Club, Hawai`i Chapter, to seek a community-based vision for the future of Mauna Kea and the Mauna Kea Science Reserve by calling for BLNR to commission and approve a new, stand-alone comprehensive plan to be prepared by a disinterested party, with active participation of community groups and interested parties, to faithfully serve as a planning and operations guide for a balanced approach towards activities and development within the Mauna Kea Science Reserve and summit area that shall include, at the minimum, an assessment of the overall capacity of the astronomy precinct for development, the number, placement, and timing of astronomy facilities of any kind to be constructed, decommissioned, and removed on the summit over the projected life of the plan, and anticipated cumulative cultural and environmental impacts of such developments and activity, and to discourage any further development within the Mauna Kea Science Reserve until such a plan has been approved by BLNR and taken into consideration in all future operational and development efforts in the Reserve.

This policy was adopted at the regularly scheduled Chapter Executive Committee meeting held on July 31, 2010.