April 15, 2015

To: The University of Hawaii Board of Regents,


This testimony addresses the lack of confidence and clear mismanagement of Mauna Kea and the Mauna Kea Science Reserve by UH and the Office of Mauna Kea Management. The University of Hawaii and the Office of Mauna Kea Management has clearly demonstrated an ineffectiveness and inability of managing Mauna Kea, the natural and cultural resources and working with the community to provide transparency in its management practices. As stated in the April 2014, “Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve,”

“The UH Office of Mauna Kea Management carries out UH’s management responsibilities for the Mauna Kea Science Reserve, Hale Pōhaku, and Summit Access Road. Despite the office’s charge to protect Mauna Kea’s cultural, natural and scientific resources and to help ensure public health and safety on the mountain, the office’s authority to do so has not yet been established in administrative rules. To date, no rules for Mauna Kea have been adopted by UH, even though it obtained the relevant rulemaking authority in 2009. The office estimates rules will not be in place until 2017.

In the absence of rules, the office issued unauthorized permits to regulate commercial tour operators and charge commercial tour fees. The office also lacks enforcement authority to protect the mountain’s resources from the impacts of public and commercial activities, even though it is responsible for protecting those resources. Until it adopts administrative rules for its Mauna Kea lands, UH cannot fulfill its stewardship responsibilities. (Page 16)"

The report clearly goes on to ask the question, why has there been a delay in the drafting and adopting of the administrative rules? This is the crux of the issue regarding the University of Hawaii continuing to mismanage Mauna Kea, its resources and the health and safety of all who go there will be put at risk and therefore UH will be held liable. Also, “UH issued temporary commercial tour permits without obtaining final approval from the Board of Regents and relied on those permits to charge commercial tour fees. Between FY2009 and FY2013, UH assessed unauthorized tour operator fees totaling nearly $2 million, representing between 12 and 22 percent of the office’s total available funds for those years. In addition, UH continues to recognize those unauthorized permits and collect fees via informal agreements with tour operators. Such arrangements put both the mountain’s resources and the office’s funding at risk.” These have led to litigation, court and attorney’s fees that have cost $4 million of tax payer dollars and will continue to increase if UH continues to operate and mismanage Mauna Kea.
This also puts to question the petition by the University of Hawaii to extend its lease with the Department of Land and Natural Resources for another 65 years. However, the audit reports states,

“The university still lacked administrative rule-making authority, exercised weak permit monitoring, and management plans for the science reserve needed to be updated to reflect current use and management and to provide increased transparency and accountability of the university. We also found that the leases, subleases, and permits were dated and that DLNR, as landowner, did not provide a mechanism to ensure compliance with lease and permit requirements.”

As part of the due process to move the petition for the lease renewal forward an EIS needs to be completed and veted through public hearings. I believe the University of Hawaii, the Board of Regents, and the Office of Mauna Kea management should work in collaboration rather than consultation with the community, be transparent and abide by laws that govern our state this may be a first step in the right direction. However, until UH is able to resolve these issues as mentioned above, all further commercial activities, observatory subleases including development on Mauna Kea must be STOPPED to avoid further litigation and increased risk to the University of Hawaii.

Mahalo for the opportunity to submit this testimony.

Ke Aloha no,

Kanoe Wilson