

UNIVERSITY OF HAWAI‘I SYSTEM ANNUAL REPORT



REPORT TO THE 2010 LEGISLATURE

Annual Report on the
Mauna Kea Lands

Act 132, SLH 2009

November 2009

REPORT TO THE HAWAI‘I STATE LEGISLATURE

ACT 132, SLH 2009

Regarding Rule Making Authority for the University of Hawai‘i

Pursuant to HRS §304A-1905 (“Mauna Kea Lands; reporting requirements”), the University of Hawai‘i respectfully submits its report on the status of the Mauna Kea lands activities, current and pending lease agreements and fees, the status of current and pending administrative rules, income and expenditures of the Mauna Kea lands special fund established in section 304A-2170 and any other issues that may impact the activities on Mauna Kea.

Current and pending lease agreements and fees

In 1968 the University of Hawai‘i was granted a 65-year lease (General Lease No. S-4191) from the Board of Land and Natural Resources (BLNR). The lands under the lease are to be used by the University as a scientific complex including a scientific reserve to serve as a buffer to “prevent the intrusion of activities that might be inimical to said scientific complex.” The lease terminates on December 31, 2033.

The University has subleases with 11 organizations for the purpose of operating astronomical observatories. Each sublessee pays the University a fee of \$1.00 per annum in addition to giving the Institute for Astronomy a percentage of viewing time on their respective telescope. Viewing time provides invaluable advantages for advancing the University’s elite position among astronomical research organizations and the State of Hawai‘i’s globally recognized astronomy industry. All subleases are co-terminus with the University’s General Lease.

Current and pending administrative rules

Act 132 (2009) authorizes the UH to adopt administrative rules pursuant to chapter 91 to regulate public and commercial activities on UH management lands. Prior to developing administrative rules, UH will meet conditions imposed by the BLNR when it approved the Mauna Kea Comprehensive Management Plan (CMP) on April 9, 2009. One of the conditions requires UH to submit a public access sub plan for BLNR approval. The BLNR requires that the public access sub plan, along with three other sub plans,¹ be submitted within one year or prior to the submittal of a conservation district use permit. The purpose of the public access plan is to provide guidance to the University in addressing public access in UH management areas, and the plan’s objective is to provide a set of principles and policies to serve as a guide in developing administrative rules related to the management of public access.

It is anticipated UH will submit the public access plan to the BLNR in the spring of 2010. Upon approval by the BLNR, UH will initiate the development of administrative rules.

¹ The other three sub plans are a cultural resources management plan, natural resources management plan and a decommissioning plan.

Income and expenditures of the Mauna Kea lands special fund (304A-2170)

There has been no activity in the Mauna Kea lands special fund.

Other activities

In 2005 the University accepted the transfer of authority from BLNR the administration of commercial tour permits. The University currently allows a maximum of nine commercial tour permits, the same number allowed by BLNR. Each commercial tour operator is charged a fee of \$6.00/tour passenger which is submitted to the Office of Mauna Kea Management on a monthly basis. All fees are deposited into the University of Hawai'i's real property and facilities revolving fund and are used to cover expenses related to the ranger program, road maintenance, and expenses related to commercial tour activities on Mauna Kea. Twenty percent of the fees collected is set aside for eventual payment to the Office of Hawaiian Affairs.