

**To Further Act on Items Relating to Maunakea
Management and Repeal of Regents Resolutions 19-03 and
21-02**

WHEREAS, the Board of Regents (“**Board**”) believes and acknowledges that Maunakea holds a special and important place in the history, culture, and hearts of the peoples of Native Hawaiian ancestry and all of Hawaii;

WHEREAS, Maunakea has become a symbol of Native Hawaiian self-determination;

WHEREAS, the Board, in response to past criticisms, has clarified its roles, duties, and responsibilities beginning with the adoption of the following: (a) *Mauna Kea Science Reserve Master Plan* (2000), updated by *Master Plan for the University of Hawai‘i Maunakea Lands: E Ō I Nā Leo (Listen to the Voices)* (2022); (b) *Mauna Kea Comprehensive Management Plan UH Management Areas* (2009), updated by *Comprehensive Management Plan 2022 Supplement: Management Actions Update* (2022); (c) *A Cultural Resources Management Plan for the University of Hawai‘i Management Areas on Mauna Kea* (2009); (d) *Natural Resources Management Plan for the UH Management Areas on Mauna Kea* (2009); (e) *Public Access Plan for the UH Management areas on Mauna Kea* (2010); and (f) *Decommissioning Plan for the Mauna Kea Observatories* (2010) (collectively, “**Management Plans**”);

WHEREAS, under said Management Plans, the Board was principally responsible to fulfill and to carry out all of the recommendations, obligations, and duties promulgated under said Management Plans;

WHEREAS, the Board realizes that any mismanagement of Maunakea is hurtful and disrespectful to the sanctity and inviolability of this place to Native Hawaiians and others;

WHEREAS, Act 255 Session Laws of Hawai‘i 2022 (“**Act 255**”), codified in part under Haw. Rev. Stats chapter 195H, establishes the Mauna Kea stewardship and oversight authority (“**MKSOA**”), with broad powers to oversee stewardship of Maunakea after a five-year transition period beginning July 1, 2023, during which the MKSOA shall jointly manage Maunakea lands with the University;

WHEREAS, Act 255 requires the transfer of real property agreements and permits related to astronomy facilities and support services on Maunakea, granted to the University by the Board of Land and Natural Resources (BLNR) (collectively, “**UH Entitlements**”), to the MKSOA on or before July 1, 2028;

WHEREAS, the Board takes its responsibility seriously and hereby reaffirms its commitment to follow through with the recommendations made in the Management Plans and UH Entitlements to better manage the impacts of the astronomy facilities and operations upon the natural environment, cultural resources, recreational resources, educational resources, and upon the broader community, until July 1, 2028, or earlier time as UH Entitlements are transferred to the MKSOA;

WHEREAS, the Board also realizes that the enactment of Act 255 has thrown into question,

RESOLUTION

during the five-year transition period, the Management Plans, the UH Entitlements, and the authority of the University to pursue or comply with obligations set forth therein, including the pursuit of a new teaching telescope at Hale Pōhaku;

WHEREAS, because of the uncertainty created by Act 255, Resolutions 19-03 and 21-02 no longer provide clear guidance, and the University still needs to continue to perform all of its stewardship responsibilities notwithstanding the questions surrounding the MKSOA and how it will “jointly manage” Maunakea lands with the University; and

WHEREAS, the Board wishes to clearly restate its desire for the University, in consultation with the MKSOA and BLNR, to complete ongoing responsibilities in an accelerated and expeditious manner.

NOW, THEREFORE, BE IT RESOLVED that Regents Resolutions 19-03 and 21-02 are hereby repealed.

BE IT FURTHER RESOLVED that Chair Alapaki Nahale-a and Regent Wayne Higaki, as the Board’s representatives to the Maunakea Management Board and for Hawai‘i Island residents, engage with the MKSOA and BLNR to craft an agreement providing clarity and a common understanding on how to “jointly manage” Maunakea lands and provide monthly updates via the Governance Committee until an agreement is achieved.

BE IT FURTHER RESOLVED that the University of Hawai‘i President David Lassner, University of Hawai‘i at Hilo Chancellor Bonnie Irwin, University of Hawai‘i Vice President for Research and Innovation Vassilis Syrmos, Maunakea Support Services, Institute for Astronomy, Center for Maunakea Stewardship (“CMS”), and any other necessary, related management or operation entity be directed to cause the following action items to be accomplished in the timeframes as specified herein below:

1. Provide progress updates to the Board every six months regarding progress made toward the accomplishment of action items set forth in this Board Resolution.
2. Two (2) observatory sites known as the Caltech Submillimeter Observatory (“CSO”) and Hōku Ke‘a Observatory (“HKO”) shall be decommissioned, assuming no permitting, weather, and access issues the target date for CSO and HKO decommissioning is no later than August 31, 2024. For purposes of this resolution, the term “decommissioning” shall mean the complete removal of all man-made structures at each respective site bringing each site as close as feasible to its natural state prior to construction.
3. To ensure the prompt availability of a teaching telescope for the University of Hawai‘i at Hilo Physics and Astronomy Program, a new educational telescope facility shall be established on already developed land at Hale Pōhaku, in coordination with MKSOA and the Department of Land and Natural Resources (“DLNR”) as contemplated in this resolution. The Board shall support the funding of the planning, design, and construction of the new educational facility.
4. In collaboration with CMS, the ‘Imiloa Astronomy Center shall continue to develop and implement educational programs regarding Maunakea, including but not limited to Native

RESOLUTION

Hawaiian culture, history, environmental, and biological considerations designed for tour guides and drivers, employees, contractors, recreational users, scientists and observatory workers, and visitors, as required by the Management Plans, in coordination with MKSOA and DLNR as contemplated in this resolution.

5. In coordination with MKSOA, the Maunakea Observatories, and DLNR, on or by December 30, 2025, a determination will be made on the decommissioning of up to three (3) additional observatory sites based upon compliance with existing or future permits or governmental approvals. If decommissioning is still required, the three (3) observatory sites will be identified and reported to the Board by January 2026.
6. In implementing its obligations under the Management Plans and UH Entitlements to the extent still allowable under Act 255, the University will seek the MKSOA’s input; provided that, the University will make final decisions on any matters that require the University to act to fulfill its legal obligations until such time as the UH Entitlements are transferred and assigned to the MKSOA on or before July 1, 2028, whichever occurs sooner.
7. Enter into an agreement with MKSOA, such as a memorandum of understanding, which outlines how the University and MKSOA will jointly manage during the transition by agreeing to general parameters that set forth clear expectations for the University and MKSOA. The agreement should address, among other things (a) when and how the University should seek MKSOA’s input as it relates to the University’s obligations to implement and enforce Haw. Admin. Rules chapter 20-26, (b) how the University and MKSOA will cooperatively implement the terms and conditions of the UH Entitlements, and (c) operationalize the terms “jointly manage” and “day-to-day operations” as those terms are used in Act 255. Failure to enter into such agreement shall not prevent the University from meeting its obligations, for example, under UH Entitlements or other existing legal obligations.

Adopted by the Board of Regents
University of Hawai‘i
August 17, 2023