



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

SB 1474 RELATING TO THE MAUNA KEA SCIENCE RESERVE AUTHORITY

Testimony Presented Before the
Senate Committees on Water, Land & Agriculture
and Higher Education

February 15, 2005

By

William T. Stormont, Director
Office of Mauna Kea Management
University of Hawai'i at Hilo

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Directing the auditor to conduct studies: (1) evaluating whether the existing approval and decision-making procedures for the Mauna Kea science reserve adequately address the concerns of the public; and (2) to determine the feasibility and necessity of the creation of a Mauna Kea science reserve authority.

Chairs Hee and Kokubun, and Members of the joint Senate Committees.

Thank you for this opportunity to comment on SB1474.

My name is Bill Stormont, Director of the Office of Mauna Kea Management. As you might know, the Office was established in the fall of 2000 following the adoption of the 2000 Master Plan by the University of Hawai'i Board of Regents to serve as the primary management entity for the Mauna Kea Science Reserve.

Since the introduction of this bill, the Office has been engaged in discussions with Sen. Hee and Sen. Inouye, co-sponsors of this bill, and understands that its intent is to examine the present processes and practices affecting Mauna Kea since the Master Plan was implemented. The Office, like everyone else, would like to see if improvements can be made to better preserve and protect this very special place called Mauna Kea.

The Office has shared some of its recommendations regarding the language of the bill with Sens. Hee and Inouye in the interest of clarity, accuracy and effectiveness of the bill. These suggested amendments are included for your consideration in this written testimony. I would be happy to answer any questions you might have regarding our recommendations, but would like to call attention to the last two at this time:

1. Recent public controversy has surrounded the project approval process for the NASA/Keck Outrigger Telescopes project. The project approval process involves state and federal permitting procedures – such as the Conservation District Use Permit (CDUP) process before the Board of Land and Natural Resources (BLNR) that resulted in a contested case – that operate separately from the University's

and OMKM's management functions.

2. The Office is concerned that the Legislative audit suggested in this bill may lead to a more defensive – and potentially divisive – atmosphere between the affected parties. We would urge the Legislature to consider creating a more cooperative environment to explore current issues and to bring all of the entities with an interest in Mauna Kea together to determine what can be done to make improvements.

For the past four years, OMKM has been intimately involved in all of the issues surrounding Mauna Kea – from day-to-day monitoring by its Rangers to addressing long-term issues such as the development of administrative rules. The Office understands and appreciates all sides of the issues at stake and would willingly participate in any constructive effort to determine what's best for the future of Mauna Kea.

Thank you for the opportunity to testify on this bill.

Following are OMKM's suggested amendments to the original language of SB1474:

Page 6, lines 2 thru 5:

“However, despite the implementation of the new management structure under the 2000 master plan, public dissatisfaction with the management structure continues to be broad-based and persistent.”

These broad suppositions or assumptions are difficult if not impossible to verify. We recommend that the language be amended to say: “there is still some public dissatisfaction with the management structure.”

Page 6, lines 5 thru 8:

“Many residents of the Big Island continue to perceive that the University of Hawaii, institute for astronomy, and office of Mauna Kea management ignore or do not respond to concerns of local groups.”

Similar to the concerns expressed over the previous passage, OMKM suggests that vague and unsubstantiated terms such as “many” residents be changed to “some.”

OMKM is not clear as to the nature of the complaint that it has ignored or has in any way been unresponsive to the concerns of local groups.

OMKM recommends that this passage be removed from the bill.

Page 6, lines 8 thru 12:

"In an update to Report No. 98-6, provided on March 2, 2004, the auditor reported that management of the Mauna Kea science reserve by the University of Hawaii and the department of land and natural resources continues to be inadequate."

At the March 2, 2004 informational briefing, the Auditor prefaced her remarks by stating that her office had not updated its 1998 report. She was there to represent what her office reported in its 1998 report. OMKM recommends that this statement be removed from the bill.

Page 6, lines 13 thru 16:

"The legislature finds a need to consider a new project approval process for the management of the Mauna Kea science reserve. Such an approval process shall ensure that decision-making procedures are open to public scrutiny. The process shall address, in a timely manner, the concerns of local groups with strong interest in the mountain, including traditional cultural and religious practitioners, environmentalists, and recreational users."

The "project approval process" that brought on the contested case in the NASA/Keck Outrigger project is a DLNR function, separate from the active management and stewardship of the science reserve overseen by OMKM. The new authority proposed by this bill is not likely to avoid future challenges unless the Legislature is prepared to completely override the DLNR's authority to grant CDUPs. OMKM welcomes further discussion regarding this fundamental issue of "project approval."

SECTION 2:

"The auditor shall conduct a study to consider and address the following:"

Given the broadly based nature of the issues surrounding the project approval process and considering that the purpose of the bill is to fairly assess present practices in order to forge improvements, OMKM requests that the Legislature use a more cooperative – and less threatening – approach to foster this dialogue on this subject.