



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

SCR 68 – S.D. 1

REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE APPROVAL AND DECISION-
MAKING PROCEDURES, AND THE PROJECT APPROVAL PROCESS OF THE MAUNA KEA
SCIENCE RESERVE

Testimony Presented Before the
House Committee on Higher Education

April 21, 2005

By

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

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Aloha Chair Waters, Vice Chair Shimabukuro, and members of the Committee. I am Bill Stormont, Director of the Office of Mauna Kea Management (OMKM), University of Hawai‘i at Hilo. Mahalo for the opportunity to offer this testimony. OMKM would like to point out several concerns regarding this resolution, including:

- 1) Its confusion of very different project approval processes with active management;
- 2) Its assumption that an authority separate from the University could or would make a difference in the project approval process; and
- 3) Factual and contextual errors contained in its preamble that portrays an inaccurate picture of the current management structure and situation.

PROJECT APPROVAL PROCESSES

First, this resolution does not recognize that there are separate development approval processes currently in place: 1) the conservation district use permitting process, which is a Department/Board of Land and Natural Resources function; and 2) the internal University process, including UH Board of Regents approval, for compliance with the 2000 Master Plan.

Both have specific mechanisms for public input, and, as seen recently in the case of the BLNR, processes for public challenges to conservation district use applications and permits. We suspect that the recent contested case hearings over, and subsequent issuance of, a conservation district use permit to the University for the development of the NASA/KECK Outrigger Telescopes Project is the genesis for this resolution. But the measure does not recognize that this is purely a DLNR/BLNR function and has no bearing on the active management role and structure currently in place. Project approval processes and active day-to-day management are very different issues.

MANAGEMENT

Secondly, it remains unclear why there is a need to look at establishing a completely separate management structure for the lands now leased and managed by the University, except for the broad and unsubstantiated statement that “public dissatisfaction with the management structure continues to be broad-based and persistent.” From OMKM’s perspective, we submit to you that as long as there are observatories atop Mauna Kea, and a desire to develop more, however sensibly and with due diligence and care for the extremely unique and sensitive cultural and natural resources of the summit region, there will ALWAYS be some dissatisfaction, and it will always be very persistent. This will be true regardless of who manages the mountain.

We also note that a separate management authority would be subjected to the same State and Federal permit and environmental processes that OMKM, the University or any entity that proposes projects on conservation district lands would be required to go through. There will always be the potential for contested cases and law suits regardless of who submits an application for development on conservation lands, Mauna Kea or otherwise.

FACTUAL INACCURACIES

Additionally, there are several factual and contextual inaccuracies in the preamble we wish to point out, including:

- The statement that the Wekiu is endangered. It is not listed as endangered. Nor are there other listed endangered species found within the science reserve;
- The statement that the Auditor provided an “update to Report No. 98-6” at the March 2, 2004 legislative briefing. The Auditor DID NOT update the 1998 report. In fact, at that briefing, the Auditor clearly stated that she was simply reiterating the content of the 1998 report. The statement attributed to the Auditor that the “management of the Mauna Kea science reserve by the University of Hawai`i continues to be inadequate” is incorrect and grossly misleading.

We wish to note that assurances were provided by Senate Higher Education Chair Clayton Hee, that these inaccuracies would be corrected in the Senate version to be approved, and following the hearing on April 13, we met with Senator Hee’s staff to discuss specific amendments. However, there is no SD2, no amendments were made, and these inaccuracies persist.

OMKM strongly feels that the changes in management structure, set in place in 2000 with the UH Board of Regents approval of the new master plan, have had a significant positive impact on the resources of the mountain and the community.

Furthermore, OMKM has, or is in the process of implementing every recommendation made by the Auditor in the 1998 report, including:

- Initiation of the Mauna Kea Ranger program;
- Appointment of the Hawaii Island community-based Mauna Kea Management Board, and the Kahu Ku Mauna council, each designed to provide advice and counsel to the Office of Mauna Kea Management and the University on active management, stewardship, and development issues.

Other steps currently being taken include:

- Transferring Mauna Kea Observatory Support Services, a quasi-governmental entity that currently operates all the support services for astronomy on Mauna Kea, including the Hale Pohaku mid-level support facilities, the Mauna Kea Visitor Information Station, and all road-clearing and maintenance functions, from the UH Institute for Astronomy to OMKM;
- Initiated efforts to conduct reliable, scientific surveys and study of the wekiu bug;
- Initiated steps in the design of a natural resources management plan for the summit;
- Accepted responsibility for overseeing the permitting of commercial tour operations;
- Secured funding from the Mauna Kea observatories for wekiu bug research;
- Efforts to secure statutory authority to promulgate administrative rules, per Chapter 91, governing public activities in the science reserve. This was a specific recommendation of the Auditor. **Efforts in the 2005 legislative session to secure this authority fell short**, but we intend to address the issue in the 2006 session.

OMKM has made great strides in its efforts to be a diligent, responsive, and caring steward of Mauna Kea. It has complied with the recommendations of the 1998 Auditors Report, and has put in place mechanisms to ensure community input and participation in decision-making and active management. Making sweeping changes to these improvements, or investigating the need to, will be seen by many in our community as a step back, and impede the progress already in motion.

Mahalo once again for the opportunity to provide this testimony.