
SENATE CONCURRENT RESOLUTION

REQUESTING THE STATE AUDITOR TO CONDUCT A FINANCIAL AUDIT OF THE
UNIVERSITY OF HAWAII'S ACTIVITIES RELATED TO MAUNA KEA.

1 WHEREAS, Mauna Kea is the most significant cultural and
2 astronomical site in the world; and
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4 WHEREAS, the summit region of Mauna Kea is a spiritual and
5 special place of global significance that is home to cultural
6 landscapes, fragile alpine habitats, and historical and
7 archaeological treasures, as well as endemic species found
8 nowhere else on the planet; and
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10 WHEREAS, the protection and preservation of Mauna Kea
11 through proper management and stewardship is of statewide
12 concern; and
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14 WHEREAS, since 1998, four audits by the State Auditor have
15 been critical of the management, stewardship, and protection of
16 Mauna Kea; and
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18 WHEREAS, although significant changes have occurred on
19 Mauna Kea since the 1998 audit, negative experiences over the
20 past fifty years have eroded public confidence and demonstrated
21 the critical need for a financial audit to look into the
22 University of Hawaii's activities related to Mauna Kea; now,
23 therefore,
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25 BE IT RESOLVED by the Senate of the Twenty-ninth
26 Legislature of the State of Hawaii, Regular Session of 2018, the
27 House of Representatives concurring, that the State Auditor is
28 requested to conduct a financial audit of the University of
29 Hawaii's activities related to Mauna Kea; and
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31 BE IT FURTHER RESOLVED that the financial audit be limited
32 to the following:



- (1) The University of Hawai'i System, including but not limited to the legal affairs and university general counsel office of the University of Hawai'i System for any expenditures related to Mauna Kea;
- (2) The University of Hawai'i institute for astronomy;
- (3) The research corporation of the University of Hawai'i;
- (4) The office of Mauna Kea management, including but not limited to permits issued by the office to commercial tour operators to conduct tours on Mauna Kea and all revenues generated from those tours since 2005;
- (5) The Mauna Kea observatories, including but not limited to patents, commercial property, and intellectual rights;
- (6) Mauna Kea observatories support services;
- (7) The Mauna Kea visitor information station;
- (8) All financial expenditures from the University of Hawai'i research and training revolving fund as it relates to Mauna Kea;
- (9) All contracts or professional services used for but not limited to:
 - (A) The Mauna Kea comprehensive management plan;
 - (B) Creating, implementing, and evaluating the comprehensive management plan; and
 - (C) Environmental impact studies conducted since 2010;
- (10) Whether and to what extent the University of Hawai'i has meaningfully calculated the cost of implementing,



1 in a timely and ongoing manner, the Mauna Kea
2 comprehensive management plan and its subplans;
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4 (11) Whether and to what extent the University of Hawai'i
5 has sought to identify revenue sources and ensure
6 sufficient funding and other resources to implement
7 the Mauna Kea comprehensive management plan and its
8 subplans in a timely manner;
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10 (12) Whether and to what extent the University of Hawai'i
11 has worked to establish and implement policies for
12 leases, subleases, and permits, including through the
13 proportional capture of the monetized value of
14 benefits realized by lessees, sublessees, and
15 permittees, to generate sufficient revenues to
16 implement the Mauna Kea comprehensive management plan
17 and its subplans and to ensure that trust benefits
18 flow equally to all beneficiaries of the public trust;
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20 (13) Whether and to what extent the University of Hawai'i
21 has sought to ensure a transparent and fair
22 negotiation process for telescope subleases and
23 commercial permittees that allows for meaningful
24 public review and input into the proposed use of
25 public trust resources on Mauna Kea;
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27 (14) The value of the opportunity costs, including the
28 value of foregone revenue-generating opportunities, as
29 well as the value of natural and cultural resources
30 damaged, substantial bodily injury and death, and
31 property damage, that can be reasonably attributed to
32 the failure of the University of Hawai'i to adequately
33 balance observatory development with its public trust
34 obligations; and
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36 (15) A comprehensive breakdown of where the University of
37 Hawai'i has obtained funding for its activities
38 relating to Mauna Kea, including a list of internal
39 funding sources, and how the University of Hawai'i has
40 specifically expended such funding and dedicated other
41 resources on activities relating to Mauna Kea,



1 including but not limited to litigation, sublease
2 solicitation and negotiation, other personnel and
3 contractor costs, and the implementation of specific
4 action items in the Mauna Kea comprehensive management
5 plan and its subplans; and
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7 BE IT FURTHER RESOLVED that the State Auditor submit a
8 report of its findings and any recommendations, including any
9 proposed legislation, to the Legislature no later than twenty
10 days prior to the convening of the Regular Session of 2020; and
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12 BE IT FURTHER RESOLVED that certified copies of this
13 Concurrent Resolution be transmitted to the State Auditor, Chair
14 of the Board of Regents of the University of Hawaii, President
15 of the University of Hawaii, Vice President of Legal Affairs of
16 the University of Hawaii, Office of the University General
17 Counsel, Chair of the Board of Directors of the Research
18 Corporation of the University of Hawaii, Office of Mauna Kea
19 Management, and Department Chairperson of the Department of
20 Physics and Astronomy at the University of Hawaii at Hilo.
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