

MAR 12 2021

SENATE CONCURRENT RESOLUTION

URGING THE GOVERNOR AND BOARD OF LAND AND NATURAL RESOURCES TO
TERMINATE THE UNIVERSITY OF HAWAII'S LEASE OF THE MAUNA KEA
SUMMIT AND TO WORK WITH THE COMMUNITY TO DEVELOP A NEW PLAN
AND MANAGEMENT STRUCTURE FOR THE MOUNTAIN.

1 WHEREAS, Article XII, section 4, of the Hawaii State
2 Constitution provides that the State holds public land as a
3 public trust for Native Hawaiians and the general public; and
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5 WHEREAS, the Mauna Kea summit area is made up of former
6 Hawaiian Kingdom crown and government lands that are now part of
7 the public land trust, in which Native Hawaiians have an
8 unrelinquished interest; and
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10 WHEREAS, the University of Hawaii has been responsible for
11 the management of Mauna Kea since 1968, pursuant to a lease with
12 the Board of Land and Natural Resources; and
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14 WHEREAS, the sixty-five year lease of the Mauna Kea Summit
15 to the University of Hawaii is currently due to expire in 2033;
16 and
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18 WHEREAS, the Mauna Kea summit area is considered by many to
19 be a sacred place and continues to be an important location for
20 Native Hawaiians to conduct traditional and customary practices;
21 and
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23 WHEREAS, Article XII, section 7, of the Hawaii State
24 Constitution also requires the State to "protect all rights,
25 customarily and traditionally exercised for subsistence,
26 cultural and religious purposes and possessed by ahupua'a tenants
27 who are descendants of native Hawaiians"; and
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29 WHEREAS, despite these constitutional requirements, the
30 University of Hawaii has done a poor job of consulting with and



1 recognizing and protecting the interests of Native Hawaiians
2 since observatory construction began there in the 1960s; and
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4 WHEREAS, recent events surrounding the development of the
5 Thirty Meter Telescope has increased public awareness of the
6 University of Hawaii's mismanagement of Mauna Kea; and
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8 WHEREAS, it is now appropriate for a new management plan
9 and structure for Mauna Kea to be developed and implemented; and
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11 WHEREAS, it is critical for the Native Hawaiian community,
12 including Department of Hawaiian Home Lands homesteaders
13 residing in the County of Hawaii, to be empowered to establish
14 any future plan and management structure for Mauna Kea; now,
15 therefore,
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17 BE IT RESOLVED by the Senate of the Thirty-first
18 Legislature of the State of Hawaii, Regular Session of 2021, the
19 House of Representatives concurring, that the Governor and the
20 Board of Land and Natural Resources are urged to terminate the
21 University of Hawaii's lease of the Mauna Kea Science Reserve
22 and related facilities and easements by the end of the calendar
23 year 2021; and
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25 BE IT FURTHER RESOLVED that, due to the University of
26 Hawaii's mismanagement of the Thirty Meter Telescope project,
27 the State is urged to cease development of the Thirty Meter
28 Telescope immediately; and
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30 BE IT FURTHER RESOLVED that the Governor, Board of Land and
31 Natural Resources, and Mayor of the County of Hawaii are urged
32 to immediately begin working with the Native Hawaiian community,
33 including Department of Hawaiian Home Lands homesteaders
34 residing in the County of Hawaii, and other beneficiaries of the
35 public land trust to develop a new plan and structure for the
36 management of Mauna Kea; and
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38 BE IT FURTHER RESOLVED that the State and County of Hawaii
39 are urged to support any plan developed by the Native Hawaiian
40 community, including any plan that requires the restoration of
41 Mauna Kea to its natural state; and
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S.C.R. NO. 129

1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor,
3 Chairperson of the Board of Land and Natural Resources,
4 President of the University of Hawaii, and Mayor of the County
5 of Hawaii.

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8 OFFERED BY:

Kurt Feller

