

MAR 12 2021

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# SENATE 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  
31 recognizing and protecting the interests of Native Hawaiians  
32 since observatory construction began there in the 1960s; and  
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# S.R. NO. 103

1           WHEREAS, recent events surrounding the development of the  
2 Thirty Meter Telescope has increased public awareness of the  
3 University of Hawaii's mismanagement of Mauna Kea; and  
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5           WHEREAS, it is now appropriate for a new management plan  
6 and structure for Mauna Kea to be developed and implemented; and  
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8           WHEREAS, it is critical for the Native Hawaiian community,  
9 including Department of Hawaiian Home Lands homesteaders  
10 residing in the County of Hawaii, to be empowered to establish  
11 any future plan and management structure for Mauna Kea; now,  
12 therefore,  
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14           BE IT RESOLVED by the Senate of the Thirty-first  
15 Legislature of the State of Hawaii, Regular Session of 2021,  
16 that the Governor and the Board of Land and Natural Resources  
17 are urged to terminate the University of Hawaii's lease of the  
18 Mauna Kea Science Reserve and related facilities and easements  
19 by the end of the calendar year 2021; and  
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21           BE IT FURTHER RESOLVED that, due to the University of  
22 Hawaii's mismanagement of the Thirty Meter Telescope project,  
23 the State is urged to cease development of the Thirty Meter  
24 Telescope immediately; and  
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26           BE IT FURTHER RESOLVED that the Governor, Board of Land and  
27 Natural Resources, and Mayor of the County of Hawaii are urged  
28 to immediately begin working with the Native Hawaiian community,  
29 including Department of Hawaiian Home Lands homesteaders  
30 residing in the County of Hawaii, and other beneficiaries of the  
31 public land trust to develop a new plan and structure for the  
32 management of Mauna Kea; and  
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34           BE IT FURTHER RESOLVED that the State and County of Hawaii  
35 are urged to support any plan developed by the Native Hawaiian  
36 community, including any plan that requires the restoration of  
37 Mauna Kea to its natural state; and  
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# S.R. NO. 103

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

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OFFERED BY:

Kurt Ferrel

