

OVERVIEW

Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve

Report No. 05-13, December 2005

Summary

We conducted this follow-up of the *Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve*, Report No. 98-6, in response to Senate Concurrent Resolution No. 68, Senate Draft 1, House Draft 1, to assess the progress made with regard to our previous findings. We found that while University of Hawai'i and the Department of Land and Natural Resources have made improvements in managing Mauna Kea and the science reserve, more needs to be done.

In June 2000, the university adopted the Mauna Kea Science Reserve Master Plan. The master plan addressed most of our previous audit findings, including establishing controls for and a method of measuring the impact of future development. The master plan also created a new management structure, housed within the University of Hawai'i at Hilo, comprised of the Office of Mauna Kea Management, the Mauna Kea Management Board, and the Kahu Ku Mauna Council. This management structure has been instrumental in establishing controls for the science reserve, particularly the ranger program, which has increased visitor education and awareness of Mauna Kea's cultural and natural resources. Additionally, the university has established the astronomy precinct, which confines development to 525 acres within the science reserve.

However, the university still faces several management challenges, such as the lack of administrative rule-making authority and weak permit monitoring. Under the general lease, the university is responsible for the protection of cultural and natural resources within its jurisdiction, but currently does not provide protection due to its lack of authority to establish or enforce administrative rules for the science reserve. The university also does not appear to systematically monitor its tenant observatories for compliance with conservation district use permit requirements and was recently fined \$20,000 for violations in May 2004. Management plans for the science reserve also need to be updated to reflect its current use and management, and to provide increased transparency and accountability of the university.

The Department of Land and Natural Resources has also made some positive changes in its management of Mauna Kea. Most notably, the department has tightened permit approval conditions and implemented land transaction monitoring. The department has also implemented the State Land Information Management System (SLIMS), a database that tracks deadlines, to reduce untimely land transactions and ensure documents are completed before any activity or use occurs.

However, we found that the leases, subleases, and permits are dated and that the department, as landowner, has not provided a mechanism to ensure compliance



with lease and permit requirements in protecting and preserving Mauna Kea's natural resources. Although the department is mandated to protect resources, it has not regularly monitored the university for compliance with conservation district use permit requirements. We also found that the department's divisions have not coordinated their efforts in protecting natural resources and function largely independent of one another. Additionally, a management plan for the Mauna Kea Ice Age Natural Area Reserve is needed.

Recommendations and Response

We recommended the University of Hawai'i obtain administrative rule-making authority, revise and update planning documents, and develop, implement, and monitor a comprehensive management plan for natural, cultural, and historic resources of the summit and Hale Pohaku area. We also recommended the university implement and enforce a permit and sublease monitoring system for astronomy precinct observatories.

The University of Hawai'i expressed appreciation for the report's fairness and objectivity in recognizing its progress in managing Mauna Kea and implementing many of the key recommendations made in the previous audit.

For the Department of Land and Natural Resources, we recommended revising and updating leases and permits, implementing and enforcing a permit monitoring system, and increasing communication between the divisions involved in the management of Mauna Kea. We also recommended the department support the Office of Mauna Kea Management's completion of the historic management plan for Mauna Kea, complete a management plan for the Mauna Kea Ice Age Natural Area Reserve, and seek a written legal opinion from the Department of Attorney General regarding the transfer of commercial permitting to the university.

The Department of Land and Natural Resources provided both general and specific comments to the audit, and disagreed with some of the recommendations as being unnecessary or problematic. For example, the department insisted that it monitors and requires permit compliance for major conservation district use permits and, that updating leases, subleases, and permits could "create an irresolvable quandary for the state, lessees, and permit holders." The department does not recognize that parties to a document can agree to change the terms to reflect revisions to statutes, and roles and responsibilities.

Both agencies made points of clarification, some of which we included in the final report.

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