

March 20, 2009

To: Mauna Kea Management Board  
From: Deborah Ward  
RE: Comments on CMP

Judge Glenn Hara's Decision and Order (January 19, 2007) ruled that a comprehensive management plan that covers multiple land uses be developed for BLNR approval. The State of Hawaii DLNR has the sole responsibility to conserve, protect, and preserve the natural resources of the state through the appropriate management and use. It is the responsibility of the state DLNR to promulgate a comprehensive management plan for Mauna Kea; the role of the DLNR in determining the objectives and benchmarks for measuring results must be directed by an objective party.

The University has not demonstrated its expertise and experience in managing important natural and cultural resources, not does it have a history of protecting traditional and customary Native Hawaiian practices. As pointed out in the comments by the Office of Hawaiian affairs, "the university was previously held responsible for managing commercial activities and enforcing rules; it failed at both, and had to relinquish these functions back to DLNR." The BLNR-approved 1995 Mauna Kea management plan states that "It was determined that management and enforcement responsibilities—unless they are directly related to astronomy facilities, including the Mauna kea access road—should be transferred back to DLNR."

The Legislative Auditor reported in 2005 that "(DLNR) has failed to define its relationship with the university, allowing the institution to oversee its own activities and not provide a mechanism to ensure compliance with lease and permit requirements."

The CMP promulgated by Ku'iwalu for the University is not a management plan. It bifurcates plans for industrial development and proposed management actions, and does not present a clear plan to protect our state's resources, nor does it identify responsible parties. It is unconscionable that DLNR would decline its full responsibility to manage these conservation lands, and it is time that the Governor addresses this failure of the Department to protect our precious natural resources.

That said, this plan does not serve this advisory board well, either. On numerous occasions over the past nine years, this board has expressed frustration with the lack of detail in the 2000 Master Plan. This plan, which references the 2000 Master Plan sixty two (62) times, claims the document provides the guiding principles for this document. That development plan has never been scrutinized by the BLNR, and yet it is referenced as the determining document for future development. This illegal procedure will not survive the scrutiny of the courts.

As a member of the Environment Committee, I participated in the development of the RFP to seek planners for the natural resource plan for OMKM. The planners and Dawn Chang assured us that the objectives and specific management tools outlined in the NR plan would be an integral part of the CMP that Ku'iwalu was to produce. I was shocked when the document was published without the NR plan. There are no specific objectives, benchmarks, timelines, funding sources and management entities identified to the degree that OMKM or anyone else could use

to move forward. In fact this plan continues to muddy the waters with vague assertions of shared responsibility (UH/DLNR) that could allow each to point fingers at the other for years to come. This is not planning.

Specific concerns, even those identified as issues with the highest risk for damage to natural resources, are not addressed. One example is the threat of contamination by hazardous materials, such as petrochemicals, fuel, and more. The desire of at least one observatory to double the diesel fuel capacity for backup power after a long power outage leads to queries over the possibility of tank rupture when another powerful earthquake strikes, such as the one that damaged the telescopes in October 2006. Nowhere in the plan is management of this issue addressed.

No energy audit, no specific plan for biological inventories of flora and fauna, no hydrologic surveys, no plan to address the possible consequences of climate change—there are so many urgent natural resource elements that are absent in this plan, it is hard to comment without concluding that this plan is fatally flawed and must not be condoned by this board.

Thank you for this opportunity to comment.

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Office of Mauna Kea Management