

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Forestry and Wildlife  
Honolulu, Hawaii 96813

October 24, 2008

Chairperson and Members  
Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Land Board Members:

**SUBJECT: AUTHORIZATION FOR THE CHAIR TO NEGOTIATE AND SIGN A COOPERATIVE AGREEMENT WITH THE OFFICE OF MAUNA KEA MANAGEMENT, UNIVERSITY OF HAWAII AT HILO FOR COOPERATIVE MANAGEMENT OF MAUNA KEA ICE AGE NATURAL AREA RESERVE, HAWAII**

This submittal requests the Board to authorize the Chairperson to negotiate and sign a cooperative agreement between the Board of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserves System program and the University of Hawaii at Hilo Office of Mauna Kea Management (OMKM) for the purpose of cooperative management of Mauna Kea Ice Age Natural Area Reserve, Hawaii, pursuant to the terms outlined below and subject to approval by the Attorney General.

**BACKGROUND:**

The summit of Mauna Kea is unique and of significant importance to Native Hawaiians for many reasons. The mountain hosts many significant cultural sites and is a focal point of spiritual and cultural significance, a home of deities, and a place of spiritual connection with one's ancestors, history and the heavens. The mountain is an important habitat for rare endemic species, including the wekiu bug and the Hawaiian silversword. Finally, as the highest point in the main Hawaiian islands, Mauna Kea contains unique topographical and geological features such as a high-elevation lake, glacial moraine and meltwater deposits, and glacially sculpted cinder cones and lava flows.

The Mauna Kea Science Reserve (managed by the Office of Mauna Kea Management under the University of Hawaii at Hilo) was established in 1968 for use as a scientific complex and covers 11,288 acres on the summit of Mauna Kea. Guided by the Board of Regents' approved 2000 Mauna Kea Science Reserve Master Plan, the OMKM, with advice from the Mauna Kea Management Board (MKMB) and Kahu Ku Mauna Council, is charged with the protection, preservation and enhancement of the cultural and natural resources of the University of Hawaii's leased lands including the Mauna Kea Science Reserve, summit access road, and Hale Pohaku.

OMKM is responsible for day-to-day management, reviewing proposed developments, setting policy, and overseeing commercial tour operations and filming

A portion of the summit containing significant natural, geological, and cultural features (including the Keanakakoi adze quarry, Lake Waiau, and Puu Pohaku) was removed in 1981 from the Science Reserve to create the Mauna Kea Ice Age Natural Area Reserve (NAR) (managed by the DLNR-DOFAW-NARS). The NAR is bounded by the Mauna Kea Science Reserve and the Mauna Kea Forest Reserve (managed by DOFAW-Forestry).

Mauna Kea is visited by a variety of users: Hawaiian cultural practitioners; scientists, technicians and support staff; visitors; hikers; hunters; winter recreational users; media crews; and commercial tour operators. Management of the Science Reserve and the NAR often involves many of the same challenges: increased visitation, litter, lost hikers, unintentional and intentional alteration of the landscape or individual features. The daily presence of OMKM Rangers at the visitor center near the summit provides an invaluable resource for both the Science Reserve and the NAR as a consistent on-site presence.

OMKM Rangers have directly assisted with NARS management by reporting observed violations of NARS rules, sharing information on the hazards of travel at high elevation and monitoring the health and safety of visitors to the NAR, initiating and participating in rescue operations of visitors lost in the NAR, and informing visitors about the natural and cultural resources of the mountain. OMKM and DOFAW-NARS collaborate on resource surveys of the summit area, including natural resource surveys and surveys of cultural resources.

To date, these efforts have occurred informally, and based on their success, the Parties believe that it is appropriate to formalize the relationship, to the benefit of both parties. A draft cooperative agreement has been prepared to clarify the roles of the parties with the following terms:

- a. *Cooperative Research:* The Parties agree to exchange relevant information regarding the results of natural and cultural resource surveys and research to enhance resource management. The parties agree to consider jointly research opportunities on native species, natural resources, and cultural resources.
- b. *Cooperative Management:* The Parties agree that OMKM will provide an on-site presence on the summit through the Ranger program, will provide information about the NAR as needed to visitors, and will report illegal activities to DOFAW-NARS and DOCARE. The Parties agree that DOFAW-NARS will remain primarily responsible for normal land management functions within the NAR including control of public access, fire suppression, law enforcement, regulation of research, endangered species protection, and invasive species management. The Parties agree to consider jointly general programs of management and education for native species, natural resources, cultural resources, and public safety.

The Parties further agree to enter into specific agreements, as occasion demands, which may include the use of specialized equipment, hiring and supervision of personnel, transfer of funds, purchasing of specialized services, responding to illegal activities, and other matters pertaining to the general purposes of management agreed upon by the parties hereto. Limitation of expenditures will be determined in each specific working agreement entered into under authority of this instrument.

- c. *Communication:* Owing to the many values and benefits that arise from cooperation, the Parties further agree they will regularly consult and communicate with each other regarding research, observations, and management activities within the project area. In addition, the Parties will consult with other affected agencies, including the DLNR-Division of Conservation and Resources Enforcement, DLNR-Office of Conservation and Coastal Lands, DLNR-State Historic Preservation Division, the Mauna Kea Management Board, and the Office of Hawaiian Affairs as appropriate. Further, recognizing that natural and cultural resources are one and the same, the Kahu Ku Mauna Council shall be consulted.
- d. *Training:* The parties agree to consult together and develop appropriate training opportunities for both OMKM Rangers and DOFAW-NARS staff to ensure appropriate understanding of the unique features of the summit of Mauna Kea and the underlying rules and management plans governing management of both the Science Reserve and the NAR.
- e. *Violations:* The parties agree to consult together and develop appropriate protocols for the response and reporting of violations within the NAR.
- f. *Terms of Agreement:* The parties agree that this instrument will remain in effect for twenty (20) years, unless terminated earlier by the withdrawal of either party with thirty (30) days notice in writing.
- g. *Modification:* Modification of this instrument shall be in writing and signed by all parties.

A draft of the cooperative agreement, with the above terms, was presented to the Kahu Ku Mauna Council on September 10, 2008, to the NARS Commission on September 15, 2008, and to the Mauna Kea Management Board on September 16, 2008. All three groups recommended that the Board of Land and Natural Resources and the University of Hawaii at Hilo OMKM move forward with finalizing the cooperative agreement.

#### DISCUSSION:

Division of Forestry and Wildlife staff strongly recommend entering into a cooperative agreement with OMKM. Staff anticipate that a cooperative agreement will formalize the existing informal partnership, will provide significant economic and staffing advantages to both

parties, and will facilitate increased effectiveness of monitoring and management actions of cultural and natural resources, such as conservation research, management, protection, and recovery efforts.

RECOMMENDATION:

That the Board authorize the Chairperson to negotiate and sign a cooperative agreement between the Board of Land and Natural Resources, Division of Forestry and Wildlife, Natural Area Reserves System program and the University of Hawaii at Hilo Office of Mauna Kea Management (OMKM) for the purpose of cooperative management of Mauna Kea Ice Age Natural Area Reserve, Hawaii, pursuant to the terms outlined above and subject to approval by the Attorney General.

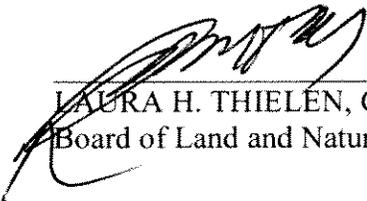
Respectfully submitted,



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PAUL J. CONRY, Administrator  
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



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LAURA H. THIELEN, Chairperson  
Board of Land and Natural Resources