

JAN 19 2024

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# A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the protection of  
2 the State's natural resources is of paramount importance.  
3 Pursuant to article XI, section 2, of the Hawaii State  
4 Constitution, the legislature has the authority to "vest in one  
5 or more executive boards or commissions powers for the  
6 management of natural resources owned or controlled by the  
7 State". Presently, the department of land and natural  
8 resources, under the direction of the board of land and natural  
9 resources, remains as the principal agency tasked with natural  
10 resource management. However, other executive boards or  
11 commissions may share overlapping responsibilities related to  
12 natural resource management.

13           With the enactment of Act 255, Session Laws of Hawaii 2022  
14 (Act 255), the legislature vested certain natural resource  
15 management powers to the newly established Mauna Kea stewardship  
16 and oversight authority for lands identified and defined as  
17 "Mauna Kea lands" pursuant to Act 255. Following a five-year



1 transition period, the Mauna Kea stewardship and oversight  
2 authority will acquire the powers and duties previously held by  
3 the board of land and natural resources pursuant to chapter 171,  
4 Hawaii Revised Statutes, and the land use commission pursuant to  
5 chapter 205, Hawaii Revised Statutes, as pertaining to the Mauna  
6 Kea lands. However, this transition period is unclear as to the  
7 board of land and natural resources and department of land and  
8 natural resources' responsibility for lands within the state  
9 conservation district, including lands identified and defined as  
10 "Mauna Kea lands". Therefore, further clarification between the  
11 Mauna Kea stewardship and oversight authority's and the board of  
12 land and natural resources' jurisdiction is needed to protect  
13 the State's precious natural resources.

14 Accordingly, the purpose of this Act is to clarify that:

- 15 (1) All powers and duties of the board of land and natural  
16 resources and the department of land and natural  
17 resources pursuant to chapters 171 and 183C, Hawaii  
18 Revised Statutes, pertaining to areas designated under  
19 the state conservation district on Mauna Kea lands,  
20 shall be retained and shall not be transferred to the  
21 Mauna Kea stewardship and oversight authority upon the



1 expiration of the five-year transition period pursuant  
2 to Act 255, Session Laws of Hawaii 2022; and

3 (2) The natural resource management enforcement and  
4 emergency response of Mauna Kea lands shall remain the  
5 responsibility of the division of conservation and  
6 resources enforcement of the department of land and  
7 natural resources beyond the expiration of the five-  
8 year transition period pursuant to Act 255, Session  
9 Laws of Hawaii 2022.

10 SECTION 2. Section 183C-3, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "[~~§~~183C-3] **Powers and duties of the board and**  
13 **department.** (a) The board and department shall:

14 (1) Maintain an accurate inventory of lands classified  
15 within the state conservation district by the state  
16 land use commission, pursuant to chapter 205;

17 (2) Identify and appropriately zone those lands classified  
18 within the conservation district;

19 (3) Adopt rules, in compliance with chapter 91 which shall  
20 have the force and effect of law;



- 1 (4) Set, charge, and collect reasonable fees in an amount  
2 sufficient to defray the cost of processing  
3 applications for zoning, use, and subdivision of  
4 conservation lands;
- 5 (5) Establish categories of uses or activities on  
6 conservation lands, including allowable uses or  
7 activities for which no permit shall be required;
- 8 (6) Establish restrictions, requirements, and conditions  
9 consistent with the standards set forth in this  
10 chapter on the use of conservation lands; and
- 11 (7) Establish and enforce land use regulations on  
12 conservation district lands including the collection  
13 of fines for violations of land use and terms and  
14 conditions of permits issued by the department.
- 15 (b) All powers and duties of the board and department  
16 pursuant to this chapter and chapter 171, pertaining to areas  
17 designated under the state conservation district on Mauna Kea  
18 lands, shall be retained and shall not be transferred to the  
19 Mauna Kea stewardship and oversight authority upon the  
20 expiration of the five-year transition period pursuant to Act  
21 255, Session Laws of Hawaii 2022."



1 SECTION 3. Section 195H-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) There is established the Mauna Kea stewardship and  
4 oversight authority, which shall be a body corporate and a  
5 public instrumentality of the State for the purpose of  
6 implementing this chapter. The authority shall serve jointly  
7 with the University of Hawaii in fulfilling the obligations and  
8 duties under the state lease for a period of five years as  
9 established in section 195H-6. The authority shall be placed  
10 within the department of land and natural resources for  
11 administrative purposes[~~; provided that section 26-35 shall not~~  
12 ~~apply to the authority~~]."

13 SECTION 4. Section 195H-5, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) Notwithstanding any other law to the contrary, the  
16 authority shall:

- 17 (1) Be the principal authority for the management of
- 18 state-managed lands within the Mauna Kea lands;
- 19 provided that the natural resource management
- 20 enforcement and emergency response of these lands
- 21 shall remain the responsibility of the division of



1           conservation and resources enforcement of the  
2           department of land and natural resources beyond the  
3           expiration of the five-year transition period pursuant  
4           to Act 255, Session Laws of Hawaii 2022;

5           (2) Provide oversight and protect traditional and  
6           customary Native Hawaiian rights, as set forth in the  
7           Hawaii State Constitution, and not unduly burden  
8           individuals exercising these rights;

9           (3) Establish a process that provides and ensures  
10           transparency, analysis, and justification for lease  
11           terms of its land and monetary consideration that is  
12           equitable, feasible, and financially sustainable;

13           (4) Be prohibited from selling, gifting, transferring, or  
14           exchanging land under its control;

15           (5) Engage in community dialogue, outreach, engagement,  
16           and consultation processes, as appropriate, on  
17           significant matters on at least an annual basis and  
18           more frequently, as needed; and

19           (6) Consider various supplemental revenue sources to be  
20           deposited into the Mauna Kea management special fund,  
21           to the extent permitted by law."



1 SECTION 5. Section 195H-7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3 "(b) Notwithstanding any law to the contrary, all powers  
4 and duties of the board of land and natural resources pursuant  
5 to chapter 171, and the land use commission pursuant to chapter  
6 205, concerning permits, dispositions, land use approvals, and  
7 any other approvals pertaining to the Mauna Kea lands are  
8 transferred to the authority upon the expiration of the  
9 transition period; provided that the transfer of ~~such~~ the  
10 powers and duties from the board of land and natural resources  
11 and the land use commission may occur earlier, upon approval of  
12 the authority, the board of land and natural resources, and the  
13 land use commission. Upon the expiration of the transition  
14 period, the authority shall carry out the powers and duties  
15 otherwise conferred upon the board of land and natural resources  
16 pursuant to chapter 171, and the land use commission pursuant to  
17 chapter 205, with regard to permits, dispositions, land use  
18 approvals, and any other approvals pertaining to the Mauna Kea  
19 lands~~[-]~~; provided that all powers and duties of the board of  
20 land and natural resources and the department of land and  
21 natural resources pursuant to chapters 171 and 183C, pertaining



1 to areas designated under the state conservation district on  
2 Mauna Kea lands, shall be retained and shall not be transferred  
3 to the Mauna Kea stewardship and oversight authority upon the  
4 expiration of the five-year transition period pursuant to Act  
5 255, Session Laws of Hawaii 2022; provided further that the  
6 natural resource management enforcement and emergency response  
7 of Mauna Kea lands shall remain the responsibility of the  
8 division of conservation and resources enforcement of the  
9 department of land and natural resources beyond the expiration  
10 of the five-year transition period pursuant to Act 255, Session  
11 Laws of Hawaii 2022."

12 SECTION 6. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Jessie R. Hironaka*



# S.B. NO. 2297

**Report Title:**

BLNR; DLNR; DOCARE; Mauna Kea Stewardship and Oversight Authority; Conservation District; Natural Resource Management; Emergency Response

**Description:**

Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district. Clarifies that the natural resource management enforcement and emergency response of Mauna Kea lands shall remain the responsibility of the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

