

JAN 15 2025

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 Article XI, section 2, of the Hawaii State Constitution,
4 requires the legislature to "vest in one or more executive
5 boards or commissions powers for the management of natural
6 resources owned or controlled by the State". Presently, the
7 department of land and natural resources, under the direction of
8 the board of land and natural resources, is the principal agency
9 tasked with natural resource management. However, other
10 executive boards or commissions may share overlapping
11 responsibilities related to natural resource management.

12 With the enactment of Act 255, Session Laws of Hawaii 2022,
13 codified as chapter 195H, Hawaii Revised Statutes, the
14 legislature vested certain natural resource management powers to
15 the newly established Mauna Kea stewardship and oversight
16 authority for certain lands identified and defined as "Mauna Kea
17 lands". Following a five-year transition period, the Mauna Kea



1 stewardship and oversight authority will acquire the powers and
2 duties previously held by the board of land and natural
3 resources pursuant to chapter 171, Hawaii Revised Statutes, and
4 the land use commission pursuant to chapter 205, Hawaii Revised
5 Statutes, pertaining to the Mauna Kea lands. However, this
6 transition period is unclear as to the board of land and natural
7 resources and department of land and natural resources'
8 responsibility for lands within the state conservation district,
9 including lands identified and defined as "Mauna Kea lands".
10 Therefore, further clarification between the Mauna Kea
11 stewardship and oversight authority's and the board of land and
12 natural resources' jurisdiction is needed to protect the State's
13 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 section 195H-6, Hawaii Revised Statutes; and
 3 (2) The natural resource management enforcement and
 4 emergency response over Mauna Kea lands shall remain
 5 the 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.

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

11 "~~§~~183C-3~~§~~ **Powers and duties of the board and**
 12 **department.** (a) The board and department shall:

- 13 (1) Maintain an accurate inventory of lands classified
 14 within the state conservation district by the state
 15 land use commission, pursuant to chapter 205;
 16 (2) Identify and appropriately zone those lands classified
 17 within the conservation district;
 18 (3) Adopt rules~~§~~ in compliance with chapter 91~~§~~, which
 19 shall have the force and effect of law;
 20 (4) Set, charge, and collect reasonable fees in an amount
 21 sufficient to defray the cost of processing



1 applications for zoning, use, and subdivision of
2 conservation lands;

3 (5) Establish categories of uses or activities on
4 conservation lands, including allowable uses or
5 activities for which no permit shall be required;

6 (6) Establish restrictions, requirements, and conditions
7 consistent with the standards set forth in this
8 chapter on the use of conservation lands; and

9 (7) Establish and enforce land use regulations on
10 conservation district lands including the collection
11 of fines for violations of land use and terms and
12 conditions of permits issued by the department.

13 (b) All powers and duties of the board and department
14 pursuant to this chapter and chapter 171, pertaining to areas
15 designated under the state conservation district on Mauna Kea
16 lands, shall be retained and shall not be transferred to the
17 Mauna Kea stewardship and oversight authority or any other
18 entity upon the expiration of the five-year transition period
19 pursuant to section 195H-6."

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



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

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

13 "(b) Notwithstanding any other law to the contrary, the
14 authority shall:

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



1 expiration of the five-year transition period pursuant
2 to section 19H-6;

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

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

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

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

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

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



1 "(b) Notwithstanding any law to the contrary, all powers
2 and duties of the board of land and natural resources pursuant
3 to chapter 171, and the land use commission pursuant to chapter
4 205, concerning permits, dispositions, land use approvals, and
5 any other approvals pertaining to the Mauna Kea lands are
6 transferred to the authority upon the expiration of the
7 transition period; provided that the transfer of ~~[such]~~ the
8 powers and duties from the board of land and natural resources
9 and the land use commission may occur earlier, upon approval of
10 the authority, the board of land and natural resources, and the
11 land use commission. Upon the expiration of the transition
12 period, the authority shall carry out the powers and duties
13 otherwise conferred upon the board of land and natural resources
14 pursuant to chapter 171, and the land use commission pursuant to
15 chapter 205, with regard to permits, dispositions, land use
16 approvals, and any other approvals pertaining to the Mauna Kea
17 lands~~[-]~~; provided that all powers and duties of the board of
18 land and natural resources and the department of land and
19 natural resources pursuant to chapters 171 and 183C, pertaining
20 to areas designated under the state conservation district on
21 Mauna Kea lands, shall be retained and shall not be transferred



1 to the Mauna Kea stewardship and oversight authority upon the
2 expiration of the transition period; provided further that the
3 board of land and natural resources shall uphold its affirmative
4 and non-transferable duty to protect the traditional and
5 customary rights of native Hawaiians as provided in article 12,
6 section 7, of the Hawaii State Constitution; provided further
7 that the natural resource management enforcement and emergency
8 response over Mauna Kea lands shall remain the responsibility of
9 the division of conservation and resources enforcement of the
10 department of land and natural resources beyond the expiration
11 of the transition period."

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 on July 1, 2026.

15

INTRODUCED BY: *Samuel R. Hironaka*



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; provided that the Board of Land and Natural Resources upholds its affirmative and non-transferable duty to protect the traditional and customary rights of native Hawaiians as articulated in the Hawaii State Constitution. Clarifies that the natural resource management enforcement and emergency response over Mauna Kea lands shall remain the responsibility of the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources. Takes effect 7/1/2026.

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

