

JAN 17 2025

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# A BILL FOR AN ACT

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RELATING TO MAUNA KEA.

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

1       SECTION 1. The legislature finds that, in recent years,  
2 Mauna Kea has symbolized a rigid dichotomy between culture and  
3 science, often leading to polarization between Mauna Kea  
4 stakeholders. Many people perceived that Mauna Kea was being  
5 managed without sufficient and genuine consultation with the  
6 Native Hawaiian community, which had the cumulative effect of  
7 degrading trust between the community and those responsible for  
8 managing Mauna Kea.

9       To overcome this dichotomy and facilitate a more harmonious  
10 coexistence of activities atop Mauna Kea in a culturally  
11 sensitive manner, the legislature enacted Act 255, Session Laws  
12 of Hawaii 2022 (Act 255), which established the Mauna Kea  
13 stewardship and oversight authority. The major reforms offered  
14 by Act 255 were intended to be a step toward restoring trust and  
15 balance in the stewardship of Mauna Kea.

16       The legislature further finds that the creation of the  
17 Mauna Kea stewardship and oversight authority was meant to be a



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1 pivot point in the history of Mauna Kea, rather than a final  
2 resolution. Section 195H-1, Hawaii Revised Statutes, expressly  
3 recognizes that additional amendments relating to the Mauna Kea  
4 stewardship and oversight authority would be necessary to  
5 address principles and details surrounding Mauna Kea that had  
6 not yet been ascertained when Act 255 became law.

7 Accordingly, this Act makes certain amendments relating to  
8 the Mauna Kea stewardship and oversight authority, as  
9 contemplated under section 195H-1, Hawaii Revised Statutes, to  
10 ensure that a mutually beneficial balance is maintained for  
11 Mauna Kea and the people of Hawaii.

12 The purpose of this Act is to clarify that:

- 13 (1) The Mauna Kea stewardship and oversight authority  
14 shall not apply for a conservation district use permit  
15 pursuant to chapter 183C, Hawaii Revised Statutes, on  
16 behalf of or jointly with a lessee, and that the  
17 lessee shall serve as the applicant for any  
18 conservation district use permit that may be required  
19 for conservation district lands subject to the  
20 lessee's lease;



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1           (2) Following the end of the transition period pursuant to  
2           section 195H-6, Hawaii Revised Statutes, the Mauna Kea  
3           stewardship and oversight authority shall be the  
4           regulatory authority responsible for approving or  
5           denying a conservation district use permit and  
6           ensuring each lessee's compliance with a conservation  
7           district use permit;

8           (3) The Mauna Kea stewardship and oversight authority may  
9           apply to the board of land and natural resources for a  
10          conservation district use permit for proposed uses  
11          that do not solely benefit a specific lessee,  
12          including for improvements and repairs of common  
13          elements; and

14          (4) Certain conservation district use permits that are in  
15          effect as of July 1, 2028, to which the university of  
16          Hawaii is a permittee or other named party, shall not  
17          be transferred to the Mauna Kea stewardship and  
18          oversight authority.

19          SECTION 2. Chapter 195H, Hawaii Revised Statutes, is  
20          amended by adding a new section to be appropriately designated  
21          and to read as follows:



1        "§195H-        Conservation district use permits;

2        applications; roles of the authority and lessees. (a) The

3        authority shall not apply for a conservation district use permit

4        pursuant to chapter 183C on behalf of, or jointly with, a

5        lessee. Each lessee shall:

6            (1) Serve as the applicant; and

7            (2) Be responsible for applying,

8        for any conservation district use permit that may be required by

9        law for any conservation district lands subject to the lessee's

10       lease, except as provided in subsection (c).

11       (b) After the end of the transition period pursuant to

12       section 195H-6, the authority, rather than the board of land and

13       natural resources, shall serve as the regulatory body that

14       approves or denies conservation district use permits requested

15       under subsection (a) and ensures each lessee's compliance with

16       the requirements of the conservation district use permit.

17       (c) Notwithstanding subsections (a) and (b), the authority

18       may apply to the board of land and natural resources for a

19       conservation district use permit pursuant to chapter 183C for

20       uses that do not solely benefit a specific lessee, including

21       improvements and repairs of common elements. The board of land



1 and natural resources shall have the authority to approve or  
2 deny a permit requested under this subsection and shall serve as  
3 the regulatory body that ensures the authority's compliance with  
4 the requirements of the conservation district use permit.

5 (d) As used in this section, "lessee" means a person to  
6 whom a lease is issued under section 195H-12."

7 SECTION 3. Act 255 Session Laws of Hawaii 2022, is amended  
8 by amending section 7 to read as follows:

9 "SECTION 7. (a) On July 1, 2028, all rights, powers,  
10 functions, and duties of the [~~University~~] university of Hawaii  
11 relating to the powers and responsibilities granted to the Mauna  
12 Kea stewardship and oversight authority under part I of this Act  
13 are transferred to the Mauna Kea stewardship and oversight  
14 authority.

15 (b) Notwithstanding the transfer of all rights, powers,  
16 functions, and duties pursuant to subsection (a), the state  
17 lease by and between the board of land and natural resources and  
18 the [~~University~~] university of Hawaii entered into on June 21,  
19 1968, as General Lease S-4191, as amended on September 21, 1999,  
20 as General Lease S-5529, shall remain in full force and effect  
21 until its expiration unless otherwise specifically amended



1 pursuant to an agreement by the Mauna Kea stewardship and  
2 oversight authority and the [~~University~~] university of Hawaii.

3 (c) Upon the assignment of all rights, powers, and duties  
4 of the [~~University~~] university of Hawaii to the Mauna Kea  
5 stewardship and oversight authority pursuant to subsection (a),  
6 the university of Hawaii shall be released from any and all  
7 obligations under the state lease by and between the board of  
8 land and natural resources and the [~~University~~] university of  
9 Hawaii entered into on June 21, 1968, as General Lease S-4191,  
10 as amended on September 21, 1999, as General Lease S-5529, and  
11 any conservation district use application permits appertaining  
12 thereto, unless otherwise specifically agreed upon pursuant to  
13 an agreement by the Mauna Kea stewardship and oversight  
14 authority and the [~~University~~] university of Hawaii; provided  
15 that the transfer and release authorized under this subsection  
16 shall not apply to any litigation pending on June 30, 2028,  
17 relating to General Lease S-4191, as amended on September 21,  
18 1999, as General Lease S-5529, or any conservation district use  
19 application permit appertaining thereto, to which the  
20 [~~University~~] university of Hawaii is a party.



(d) Notwithstanding subsection (b) or any action that is a consequence of this Act, including a merger of interests, effective July 1, 2028, every reference to the department of land and natural resources, board of land and natural resources, or the chairperson of the board of land and natural resources in those deeds, leases, subleases, contracts, loans, agreements, permits, or other documents relating to Mauna Kea lands shall be construed as a reference to the Mauna Kea stewardship and oversight authority or the chairperson of the authority, as appropriate; provided that all deeds, leases, subleases, contracts, loans, agreements, permits, or other documents executed or entered into prior to the effective date of this Act, by or on behalf of the department of land and natural resources or the board of land and natural resources pursuant to the Hawaii Revised Statutes that are reenacted or made applicable to the Mauna Kea stewardship and oversight authority by this Act, shall remain in full force and effect until its expiration unless otherwise specifically amended pursuant to an agreement by the Mauna Kea stewardship and oversight authority and the [~~University~~] university of Hawaii.



1        (e) Notwithstanding subsections (a) through (d) to the  
2 contrary, the following conservation district use permits in  
3 effect as of July 1, 2028, to which the university of Hawaii is  
4 a permittee or other named party, shall not be transferred to  
5 the Mauna Kea stewardship and oversight authority:

6        (1) Conservation district use permit 0954 (Air Force  
7 Telescope, Planetary Patrol Telescope, 2.2 Meter  
8 Telescope);

9        (2) Conservation district use permit 1515 (James Clerk  
10 Maxwell Telescope);

11       (3) Conservation district use permit 0653 (United Kingdom  
12 Infrared Telescope);

13       (4) Conservation district use permit 0527  
14 (Canada-France-Hawaii Telescope);

15       (5) Conservation district use permit 1492 (Caltech  
16 Submillimeter Observatory);

17       (6) Conservation district use permit 2691 (Gemini North);

18       (7) Conservation district use permit 2462 (Subaru  
19 Telescope);

20       (8) Conservation district use permit 2728 (Submillimeter  
21 Array);





1        (9) Conservation district use permit 3568 (Thirty Meter  
2        Telescope);

3        (10) Conservation district use permit 0653 (Infrared  
4        Telescope Facility);

5        (11) Conservation district use permit 2174 (Very Long  
6        Baseline Array);

7        (12) Conservation district use permit 1646 (W. M. Keck  
8        Observatory I); and

9        (13) Conservation district use permit 2509 (W. M. Keck  
10       Observatory II).

11    The university of Hawaii shall continue to serve as the named  
12    permittee or other named party as provided under the permit,  
13    subject to the oversight and regulatory authority of the Mauna  
14    Kea stewardship and oversight authority pursuant to section  
15    195H- ."

16       SECTION 4. This Act does not affect rights and duties that  
17    matured, penalties that were incurred, and proceedings that were  
18    begun before its effective date.

19       SECTION 5. Statutory material to be repealed is bracketed  
20    and stricken. New statutory material is underscored.

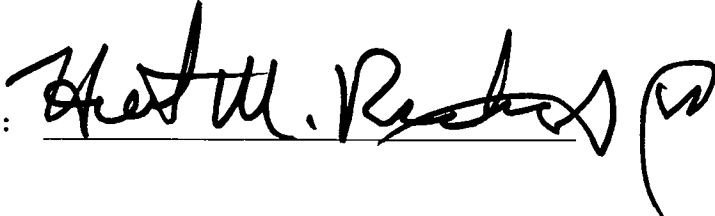


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1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

Keith M. Ruckelshaus 



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**Report Title:**

Mauna Kea Stewardship and Oversight Authority; BLNR; UH;  
Lessees; Conservation District Use Permits; Applications

**Description:**

Amends the conservation district use permit application, approval, and oversight responsibilities of the Board of Land and Natural Resources, Mauna Kea Stewardship and Oversight Authority, and lessees. Provides that certain conservation district use permits that are in effect as of 7/1/2028, to which the University of Hawaii is a permittee or other named party, shall not be transferred to the Mauna Kea Stewardship and Oversight Authority.

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

