

JOSH GREEN, M.D.  
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE  
MANAGEMENT

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FIRST DEPUTY

CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER

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FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
RYAN K.P. KANAKA'OLE  
Acting Chairperson

Before the Senate Committees on  
EDUCATION  
and  
WATER, LAND, CULTURE AND THE ARTS

Wednesday, March 25, 2026  
1:11 PM

State Capitol, Conference Room 229

In consideration of  
HOUSE BILL 2592, HOUSE DRAFT 2  
RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

House Bill 2592, House Draft 2 seeks to clarify the powers of the Mauna Kea Stewardship and Oversight Authority (MKSOA) so that it may carry out its intended duties regarding land use on Mauna Kea; explicitly declare that the transfer of the real property interests in the lands of Mauna Kea to the Mauna Kea Stewardship and Oversight Authority (MKSOA) on July 1, 2028, shall occur as a matter of law; require the University of Hawai'i (UH) to negotiate the transfer of the various astronomical observatory conservation district use permits (CDUP) to the applicable astronomical observatories; clarify that the existing plans and administrative rules remain in effect until plans and administrative rules are adopted by MKSOA; and clarify that MKSOA has state sovereign immunity. **The Department of Land and Natural Resources (Department) offers the following comments.**

While the Department supports MKSOA holding the real property interest in the lands identified in the bill, it is unclear whether MKSOA has statutory authority to hold lands in fee simple. Hawaii Revised Statutes (HRS) §§195H-5(b)(1) and 195H-7 designates MKSOA as the "principal authority for the management of state-managed lands" and confer "control and management of Mauna Kea lands." However, these sections do not clearly authorize MKSOA to hold fee title. Without express statutory authority to acquire and hold real property, MKSOA's authority to hold title appears unclear. Accordingly, the Department recommends amending Section 3 of this bill to expressly authorize MKSOA to acquire and hold title to real property.

The Department notes that it may not be necessary to transfer Conservation District Use Permits (CDUPs) from UH to the individual astronomical observatories. CDUPs are issued by the Board of Land and Natural Resources (Board) or the Department and generally function as land use

authorizations that run with the land. This means that permit conditions attach to the property itself and continue to apply regardless of changes in ownership or control. In practical terms, the permit follows the land, not the landowner. Any party responsible for the land must comply with the conditions of the CDUP.

The Department notes that UH is listed as the primary permittee on the individual observatories' CDUPs. To the extent clarification of compliance responsibility is needed, this may be addressed administratively through notification to the Office of Conservation and Coastal Lands to identify the party responsible for compliance with permit conditions.

The Department notes that in practice, Board-approved dispositions administered by its Land Division, that involve a CDUP, typically include provisions assigning responsibility for permit compliance to the tenant. In such cases, Land Division may enforce upon the landowner and also hold the tenant accountable, including for non-compliance with the terms of its disposition.

Pursuant to Sections 195H-3 and 195-6, HRS, MKSOA will assume control and management of Mauna Kea lands following the transition period. Accordingly, dispositions issued by MKSOA could incorporate similar terms and conditions, including provisions assigning compliance responsibility to the tenant, which may address the concerns identified.

Mahalo for the opportunity to comment on this measure.



**UNIVERSITY OF HAWAII SYSTEM**  
**‘ŌNAEHANA KULANUI O HAWAII**

Legislative Testimony  
Hō‘ike Mana‘o I Mua O Ka ‘Aha‘ōlelo

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Testimony Presented Before the  
Senate Committee on Water, Land, Culture and the Arts  
and  
Senate Committee on Education  
March 25, 2026 at 1:11 p.m.

By  
Vassilis L. Syrmos, Interim Provost  
University of Hawai‘i at Mānoa  
and  
Bonnie D. Irwin, Chancellor  
University of Hawai‘i at Hilo  
and  
Carrie K. S. Okinaga,  
Vice President for Legal Affairs and University General Counsel  
University of Hawai‘i System

HB 2592 HD2 – RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT  
AUTHORITY.

Chairs Lee and Kim, Vice Chairs Inouye and Kidani, and Members of the Committees:

The University of Hawai‘i (University) respectfully submits comments related to HB 2592 HD2. The University remains deeply committed to the continued stewardship of Maunakea. Since the enactment of Act 255 (2022), the University has worked and will continue to work closely with the Mauna Kea Stewardship and Oversight Authority (MKSOA) and related working groups to lay the foundation and framework necessary for a successful transition for the management of Maunakea.

The University provided comments to a previous draft of this legislation in the attached letter dated November 20, 2025 from President Wendy Hensel and Board of Regents Chair Gabe Lee to MKSOA Chair John Komeiji and Executive Director John De Fries, which was copied to the Governor and others. (See Attachment 1).

First, we wish to reiterate our comments in that letter, including the concerns regarding the on-going disinvestment in astronomy that is already underway at Maunakea. As noted, without a clear path forward for the renewal of the master lease with the Board of Land and Natural Resources (BLNR) and the issuance of new subleases, the investments by astronomy partners, which fund critical management functions, including maintenance of access to the mauna for practitioners, the community and the public, are in jeopardy. The loss of observatories means increased cost burden for those remaining, unless the State is willing to subsidize operations on Maunakea over the long term (which is contrary to Hawai‘i Revised Statutes Section 195H-6 calling for MKSOA to be financially self-sustaining). This bill fails to advance progress in the

extension of the master lease and subleases scheduled to expire in 2033 and therefore, does not provide certainty for continued investment in astronomy on Maunakea.

Second, the University strongly encourages the inclusion of meaningful milestones for all parties, including the University, BLNR, and MKSOA, to evaluate timely progress leading up to the July 1, 2028 transition date and beyond, including for the use, management, operations, funding and stewardship of Maunakea lands destined to be transferred to MKSOA. As expressed by Regents at their meetings on [February 19](#) and [March 19, 2026](#), it is imperative that milestones be set for the responsible transfer of stewardship of Maunakea lands on or before July 1, 2028. Milestones will assist with transparency around decision making and trust-building among the many interested stakeholders caring for the mauna.

Third, it remains unclear, even in this latest draft, as to how the transfer of the real property assets and the transfer of the University's tenancy and leasehold interests can be conveyed without the related obligations and liabilities, including the subleases and conservation district use permits (CDUPs), without obvious risk of legal challenge. Part III calls for the University to negotiate for the transfer of the various astronomy CDUPs to the observatories; however, as land use entitlements 'run with the land' by operation of law, there is no need to require a negotiated transfer of the CDUPs to the observatories, and once MKSOA acquires UH's land interests, MKSOA will hold the CDUPs as UH does currently. We concur with the prior testimony from the Department of Land and Natural Resources that CDUPs issued by it or BLNR act as covenants that remain enforceable regardless of changes in ownership and need not be transferred from UH to the observatories<sup>1</sup>.

Fourth, Part IV allows for the continuance of the University master plan, management plan and administrative rules. The University supports this, given the passage of time, and would defer to BLNR as to the necessary approvals, steps and milestones required to ensure a smooth transition of management from the University to MKSOA and successful implementation and enforcement of the plans and rules.

Thank you for the opportunity to provide testimony.

Attachment 1  
(November 20, 2025 letter from President Hensel and Chair Lee,  
to Chair Komeiji and Executive Director De Fries)

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<sup>1</sup> For clarification purposes only, conservation district use permit 1492 (Caltech Submillimeter Observatory) need not be listed in Part III as this observatory has been decommissioned.



UNIVERSITY  
of HAWAII\*  
SYSTEM

Ke Kulanui o Hawai'i

Gabriel Lee  
Chair, Board of Regents

Wendy F. Hensel  
President

November 20, 2025

Chair John Komeiji  
Mr. John De Fries  
Maunakea Stewardship and Oversight Authority (MKSOA)  
640 N. A'ohökū Place  
Hilo, HI 96720

jkomeiji1@gmail.com  
john.defries@hawaii.gov

Dear Chair Komeiji and Mr. De Fries:

Thank you for continuing to work with the University of Hawai'i (UH) to effectuate the letter and intent of Act 255 (2022). Thank you also for the valuable time spent on November 7, 2025, with members of our Board of Regents permitted interaction group (MIG) formed to assist with the transition of stewardship of Maunakea from the University of Hawaii to the Mauna Kea Stewardship and Oversight Authority (MKSOA), as well as staff from the Center for Maunakea Stewardship, Institute for Astronomy and the Office of General Counsel. As you requested, the following are the administration's and MIG's collective responses to the draft bill that we obtained from Chair John Komeiji in mid-October, and some suggestions for moving forward. As we have done for decades, UH will continue to honor our commitments to stewardship on Maunakea, and support astronomy as Act 255 requires and the Governor and Congressional Delegation have requested in their attached October 24, 2025 letter (Exhibit 1)<sup>1</sup>.

#### COMMENTS ON DRAFT BILL

As an overview, as you know, Act 255 was established to ensure the careful stewardship of the mauna as well as to ensure the "support of astronomy" on Maunakea as a state policy. It is not clear to us how that support is demonstrated in the bill.

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<sup>1</sup> We are copying the Governor, Congressional Delegation, and Board of Land and Natural Resources Chair Dawn Chang to ensure they are aware of the University's efforts to find a path forward as was requested in the October 24<sup>th</sup> letter. Both the MIG and UH staff have met separately with Chair Chang and her staff, as well as the MKSOA permitted interaction group (MKSOA PIG), Mr. De Fries, and their consultant. We would welcome a meeting of all three groups together.

The highest strategic priority for the University is and has been lease renewal, and the bill does not address the multifold concerns arising from the fact that the master lease for the science reserve expires in 2033<sup>2</sup>.

Astronomy on Maunakea requires investment by the countries, scientific agencies, and universities that currently hold valid subleases and permits to operate the observatories. That investment pays for, among other things, Maunakea Access Road to be maintained so that all members of the public can reach the summit of Maunakea, not just observatory employees. The bill would establish unprecedented regulatory and legal authority in one agency, with challenges likely<sup>3</sup>. Uncertainty is not conducive to investment, and our greatest concern is that the lack of progress to establish a stable state governance structure as of July 1, 2028, discourages the necessary investment that enables not just scientific discoveries and high-quality jobs, but access to the mauna by practitioners and members of the public alike. This uncertainty has already resulted in dis-investment on the order of approximately half a billion dollars, given the lack of a long-term lease in place<sup>4</sup>, and TIO is exploring the Canary Islands as an alternative site; no one is willing to fund major projects without long-term leases in place. It also goes without saying that the fewer the number of observatories, the higher the amounts of investment needed from the remaining observatories.<sup>5</sup>

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<sup>2</sup> We attach as Exhibit 2 the oft-discussed timeline showing finalization of a new master lease long after the dates by which decommissioning of telescopes would need to start.

<sup>3</sup> One helpful framing comment for the bill was that the Kahoolawe Island Reserve Commission (KIRC) was the model for Act 255, and the bill. Respectfully, the contemplated regulatory framework presented in any bill will need to account for the extent and types of activities needing to be regulated on Maunakea that do not exist on Kahoolawe.

<sup>4</sup> We are informed that the Maunakea Spectroscopic Explorer ([MSE](#)) project was paused indefinitely at CFHT last year. This approximately \$500M replacement for the Canada France Hawaii Telescope was in a planning phase for about a decade. The design featured reusing the bulk of the existing CFHT building while upgrading the telescope to a larger aperture and outfitting it with an advanced system of multi-object spectrometers. The CFHT Board [terminated](#) all work on MSE after their Board meeting last December. This was in large part due to the recognition that securing the funding for such a project was essentially impossible w/out a long-term lease in place for CFHT. Relatedly, TIO has not been able to make rent payment and another observatory has fallen in arrears in making monthly payments for their share of fixed costs. The concerns in this regard continue to escalate.

<sup>5</sup> HRS Section 195H-6(c) requires that MKSOA adopt a financial plan that strives for financial self-sustainability after the sixth year following the transition period. We understand that MKSOA members may not yet be acquainted with the finances on

Based on the above concern, we do not believe transfer of HRS Chapter 183C authority found in Parts I and III of the bill is optimal, given that the Board of Land and Natural Resources (BLNR) / the Department of Land and Natural Resources (DLNR) have the staff and expertise to administer this law, and the practical challenges of MKSOA taking on this challenge-rich authority. We defer to BLNR / DLNR as to whether they can and will enter the staffing MOA called for in Part III of the bill.

Regarding Part II, we are not clear how transfer of assets is possible without the attendant obligations and liabilities. We understand that the working group headed by MKSOA Member Ben Kudo is to present a report in March 2026, and UH has participated in that working group with the intent that transfer of assets be effectuated in as expeditious and conflict-free a manner as possible.

Regarding Part IV, we asked but did not receive an answer to the question about how observatories (owned by countries and universities) might be made by act of law to accept the Conservation District Use Permits (CDUPs) from UH, with attendant obligations. If the non-UH observatory-related CDUPs do not transfer, UH is to retain the CDUPs, but without a sublease with an observatory, how would UH be expected to perform / enforce the CDUP obligations on someone else's land / observatory? Finally, if the transfers occur before July 1, 2028, these transfers would need to be approved by BLNR, and subject to contested case hearings, which again, do not help with timeline concerns.

Regarding Part V, we agree that this is a prudent position to have the UH's Hawaii Administrative Rules (HARs) for Maunakea remain in place until MKSOA creates its own. As we explained at the November 7 meeting, the proposal to include observatories under the purview of the HARs, which generally prohibit commercial activities without permits, raises the question of whether astronomy is being considered a commercial activity and, thus, would also need permits from MKSOA to conduct their activities, including due process hearings? In addition, we appreciate the proposal to have the Chair of the MKSOA issue departmental permits, like the BLNR Chair, but the MKSOA Chair is a volunteer and not a State employee like the BLNR Chair who has the staff to assist with issuance of departmental permits; so, if this proposal is to have DLNR staff do the work pursuant to an MOA, again, we defer to BLNR / DLNR as to whether they can and will enter the staffing MOA called for more expressly in Part III.

Regarding Part VI, we largely support this piece of the bill, to leave in place the UH 2022 Master Plan, comprehensive management plan, and administrative rules in place

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Maunakea, including the over \$1M of UH Hilo tuition and other funds used to subsidize stewardship operations. We would be happy to meet to discuss this, and we appreciate the MKSOA taking up the issue of sharing stewardship costs at its December 11, 2025 meeting.

until MKSOA develops their own. With respect to the financial plan, as stated above, the financial plan will need to be adjusted based on whether TMT is built and how many observatories are left. Timing is of the essence; as Appendix E of [UH's Master Plan](#) states, the target date for having new agreements in place with the continuing non-UH observatories is January 1, 2027.

Regarding Part VII, we would defer to the Department of the Attorney General for its legal review of this provision.

### MOVING FORWARD

As noted above, we would welcome a meeting with the MKSOA PIG, BLNR Chair and respective staff to meet to discuss the path forward, including any alignment on proposed legislation.

We have heard of a suggestion from Chair Komeiji that the UH leases be extended by five years, beyond 2033. [HRS § 171-36\(a\)\(2\)](#) prohibits BLNR from entering into leases longer than 65 years, which is the term of the Mauna Kea Science Reserve lease between UH and BLNR expiring in 2033. [HRS § 171-95.1](#) expressly prohibits the extension beyond 65-years of "any lease to the University of Hawaii of lands within a conservation district of which the University of Hawaii has subleased a portion for the purpose of constructing an astronomical observatory." Legislation would be necessary to expressly allow, notwithstanding these statutory provisions, BLNR to extend existing UH and observatory leases and subleases for five years, and HRS Section 195H-6(f) would need to be deleted. We could discuss pursuit of this legislation.

Another topic for discussion might be starting the significant work needed to secure new agreements for the observatories and their investors. For example, HRS Section 195H-6(f) prohibits new leases from being issued or existing leases renewed, but it does not prohibit the environmental work that can be done in advance of new leases being issued, presumably by MKSOA. Following the logic of the bill in adoption of UH's Master Plan, comprehensive management plan, and administrative rules until MKSOA has their own, as Director Greg Chun had mentioned, we request MKSOA consider moving forward with an environmental impact statement to issue new leases to those observatories that have existing leases, and start the work of negotiation with the observatories regarding the terms of those leases. UH will assist in any way we can, and we respectfully suggest that a good place to start might be discussions with MKSOA about letters of intent or MOUs, including timelines, regarding UH's own observatories.

Finally, it is our understanding that discussion on a financial stability plan between UH and MKSOA is being agendized at the December 11, 2025 MKSOA meeting. We are formally requesting here that MKSOA share in the costs of jointly managing Maunakea going forward through the end of the transition period ending June 30, 2028. For the

Chair Komeiji and Mr. De Fries  
November 20, 2025  
Page 5 of 5

first two and a half years of this five-year transition, UH has borne the full costs of management. We would respectfully request that MKSOA consider covering all of the costs for the remaining two and a half years.

If you have any questions regarding the above, please let us know, and we look forward to meeting again to discuss how to move forward expeditiously.

Very Truly Yours,



Gabriel Lee  
Chair, Board of Regents



Wendy F. Hensel  
President

c: Governor Josh Green, M.D.  
U.S. Senator Mazie Hirono  
U.S. Senator Brian Schatz  
U.S. Representative Ed Case  
U.S. Representative Jill Tokuda  
BLNR Chair Dawn Chang  
Board of Regents Maunakea Permitted Interaction Group Members  
Regent Wayne Higaki  
Regent Neil Abercrombie  
Regent Lauren Akitake  
Regent Mike Miyahira

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

October 24, 2025

Dr. Henry T. Yang  
Chair, Board of Directors  
Thirty Meter Telescope International  
Observatory  
100 West Walnut Street, Suite 300  
Pasadena, California 91124

Dr. Saku Tsuneta  
Co-Chair, Board of Directors  
Thirty Meter Telescope International  
Observatory  
100 West Walnut Street, Suite 300  
Pasadena, California 91124

Aloha Drs. Yang and Tsuneta:

We would like to formally acknowledge your commitment to addressing the Hawai'i community's request for a possible relocation to a disturbed site and to fulfilling the requirements set forth in Act 255, SLH 2022. We further wish to express our appreciation for TIO's ongoing efforts to understand the diverse perspectives surrounding the construction of TMT and issues extending beyond it, as reflected in TIO Project Manager Liu's engagement with over 1,500 community members and his dedication to working in close partnership with community across a broad range of topics.

The Governor and appropriate officials in his Administration will work with the Board of the Mauna Kea Stewardship and Oversight Authority (MKSOA) and the University of Hawai'i to promptly establish a clear and transparent procedure for obtaining the necessary permits associated with a decommissioned site. This effort will involve careful planning and coordination to define the key steps and requirements of the permitting process, including both administrative and legal procedures, as well as an

anticipated timeline, thereby ensuring clarity, accountability, and compliance with statutory obligations.

We look forward to working with TIO and the broader community to honor the shared responsibility for stewardship of Maunakea and the success of this project.

Mahalo,



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Brian Schatz  
U.S. Senator for the State of Hawai'i



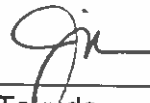
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Mazie Hirono  
U.S. Senator for the State of Hawai'i



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Ed Case  
U.S. Representative, Hawai'i District 1



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Jill Tokuda  
U.S. Representative, Hawai'i District 2



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Josh Green, M.D.  
Governor, State of Hawai'i

- c: Wendy Hensel, President, University of Hawai'i  
John Komeiji, Chairperson, Maunakea Stewardship and Oversight Authority



# Today - Some Key Schedule Milestones Under the UH → MKSOA Transition

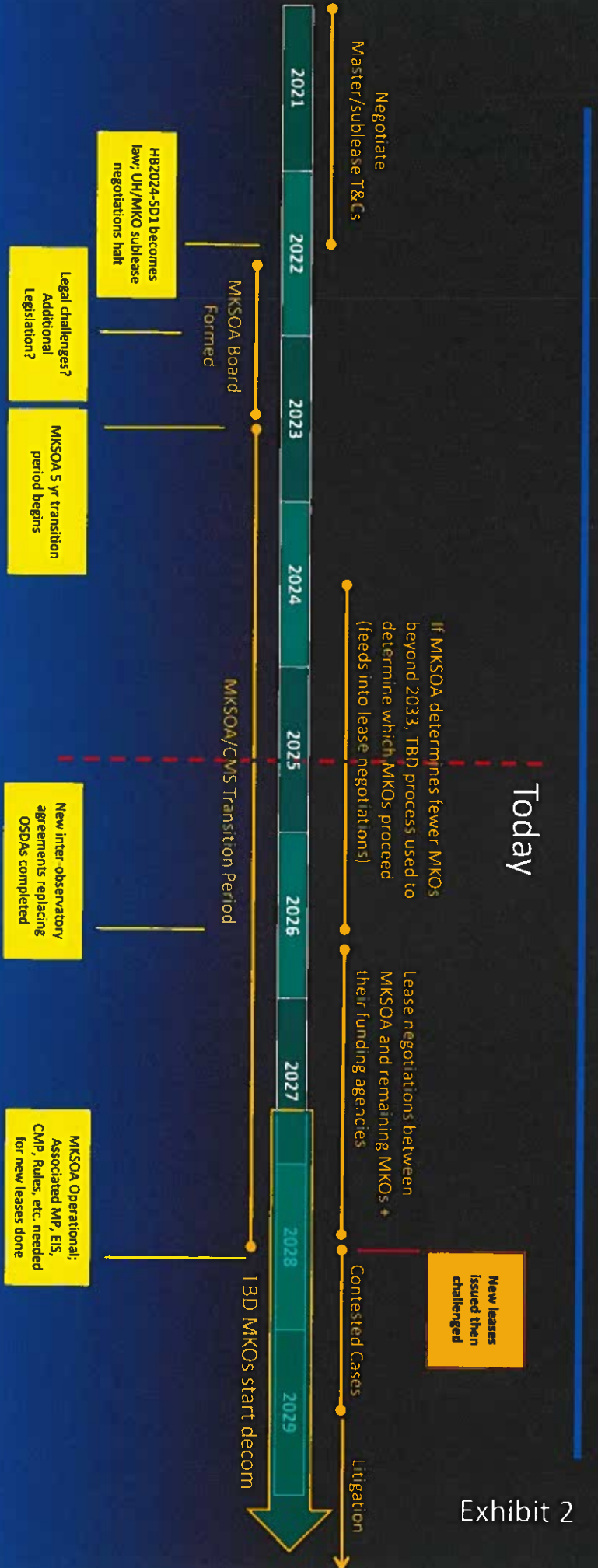


Exhibit 2

JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR



JOHN KOMEIJI  
*Chairperson*

KIMO ALAMEDA  
POMAI BERTELMANN  
NEIL HANNAHS  
PAUL HORNER  
\*BONNIE IRWIN  
RYAN KANAKA'OLE  
KALEHUA KRUG  
BEN KUDO  
LANAKILA MANGAUIL  
RICH MATSUDA  
NOE NOEWONG-WILSON

\*ex-officio

## MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

688 Kino'ole Street #212, Hilo, HI 96720  
Telephone (808) 272-0259  
Website: <http://dlnr.hawaii.gov/maunakea-authority/>

### TESTIMONY OF THE MAUNA KEA STEWARDSHIP OVERSIGHT AUTHORITY BEFORE THE SENATE COMMITTEE ON EDUCATION, SENATE COMMITTEE ON WATER, LAND, CULTURE & THE ARTS March 25, 2026 1:11 P.M. State Capitol, Room 229

#### SUPPORT FOR H.B. 2592, HD2 RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

Aloha Chair Kim, Chair Lee, and Members of the Committees,

My name is John De Fries, Executive Director of the Mauna Kea Stewardship and Oversight Authority (MKSOA), and I offer testimony in support of HB 2592, HD2. This measure provides important statutory clarification and continuity needed for the Authority to carry out its responsibilities under Act 255 (2022).

The Legislature established a five-year transition period culminating on July 1, 2028, when full management authority over Mauna Kea lands transfers from the University of Hawai'i to the MKSOA. As that deadline approaches, precision and clarity in statute are essential to ensure a smooth, legally sound, and uninterrupted transition.

HB 2592, HD2 strengthens the legal and administrative framework supporting that transition in several important ways:

1. **Clarification of Real Property Interests:** The measure clarifies the transfer of certain real property interests in Mauna Kea lands to the Authority. Aligning management responsibility with clearly defined property interests ensures accountability, operational clarity, and continuity in land administration as the transition progresses.
2. **Alignment of Conservation District Use Permits (CDUPs):** The bill continues to support the alignment of existing conservation district use permits with the appropriate operating entities. This clarification ensures that permit responsibilities are clearly understood and administered, supporting effective oversight and compliance.
3. **Continuity of Existing Plans, Permits, and Rules:** HB 2592, HD2 reinforces that existing plans, permits, and administrative rules adopted or developed by the University of Hawai'i remain in effect unless and until superseded by those adopted by MKSOA. This is a critical safeguard that prevents any regulatory gaps and ensures uninterrupted governance during the transition period.
4. **Clarification of State Protections and Authorities:** The measure further clarifies the Authority's standing as a state entity, including appropriate legal protections necessary to carry out its responsibilities. As MKSOA continues to assume complex management functions, this clarity is essential to protect the State's interests and ensure effective governance.

Importantly, the clarifications provided in HB 2592, HD2 do not expand the physical footprint of development on Mauna Kea, nor do they alter the scope of land use. Rather, the measure provides the administrative clarity and continuity required to implement the framework already established by Act 255.

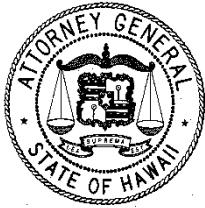
The Authority is composed of volunteer board members tasked with standing up an entirely new state entity. Since its establishment, MKSOA has made steady progress in building governance systems, operational procedures, and staffing capacity, while advancing community engagement efforts to inform long-term planning. This work continues despite limited administrative infrastructure and the complexity of managing a major transition of responsibility.

Act 255 established a new governance model for Mauna Kea that integrates cultural, environmental, scientific, and community considerations. HB 2592, HD2 ensures that the Authority has the statutory clarity, continuity, and tools necessary to fulfill that mandate responsibly and effectively.

For these reasons, I respectfully urge the Committee to pass HB 2592, HD2.

Mahalo for the opportunity to provide testimony.

John De Fries  
Executive Director, MKSOA



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2026**

**LATE**

**ON THE FOLLOWING MEASURE:**

H.B. NO. 2592, H.D. 2, RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY.

**BEFORE THE:**

SENATE COMMITTEES ON WATER, LAND, CULTURE AND THE ARTS AND ON EDUCATION

**DATE:** Wednesday, March 25, 2026      **TIME:** 1:11 p.m..

**LOCATION:** State Capitol, Room 229.

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or.  
Alyssa-Marie Kau, Deputy Attorney General or  
Tina M. Tsuchiyama, Deputy Attorney General.

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Chairs Lee and Kim and Members of the Committees:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of this bill is to amend the powers of the Mauna Kea Stewardship and Oversight Authority (MKSOA), established by Act 255, Session Laws of Hawaii 2022 (Act 255), by declaring that: (1) all interests in the lands of Mauna Kea and existing improvements held by the State in fee simple shall be conveyed to MKSOA, subject to certain conditions; (2) all interests in the lands of Mauna Kea and existing improvements held by the University of Hawai'i (University) in leasehold are conveyed to the MKSOA, subject to certain conditions; and (3) MKSOA shall have an easement for access and maintenance in the road easement described in General Lease 4697.

The bill further requires the University to negotiate the transfer of each conservation district use permit (CDUP) to the appropriate observatory occupying the premises, without amending the terms of said CDUP, subject to terms approved by the President of the University. If the CDUPs are not transferred to the observatories by July 1, 2028, the bill provides that the CDUPs shall not be transferred to the MKSOA; instead, the University or another named permittee

will remain in that role until the CDUP is transferred to the appropriate observatory.

**I. Transfer of Fee Ownership and Leasehold Interests in Mauna Kea Lands**

The Department has concerns that section 3 of the bill (page 3, line 16 through page 6, line 10) regarding the ownership of the Mauna Kea lands needs clarification.

Section 3 of the bill provides that all Mauna Kea lands owned in fee simple or leased by the State shall be conveyed to MKSOA. See page 3, line 16 through page 4, line 1. However, chapter 195H, Hawaii Revised Statutes (HRS), does not expressly grant MKSOA the power to acquire or hold title to real property. While sections 195H-5(b)(1) and 195H-7(a), HRS, designate MKSOA as "the principal authority for the management of state managed lands" and confer "control and management of Mauna Kea lands," these sections do not clearly authorize MKSOA to hold fee title. Absent express statutory authority to acquire and hold real property, MKSOA's authority to hold fee title is unclear, creating legal uncertainty regarding the validity and effect of the proposed conveyance. Providing express statutory authority for MKSOA to acquire and hold real property would clarify the intended scope of its ownership role and align its authority with that of other state entities authorized to hold and manage public lands. See, e.g., section 201H-9, HRS (Hawaii Housing Finance and Development Corporation); section 206E-4, HRS (Hawaii Community Development Authority); and section 356D-4, HRS (Hawaii Public Housing Authority). If the intent is to transfer fee simple interest of Mauna Kea lands to MKSOA, we suggest adding a new section to the bill that amends section 195H-5(a), HRS, by adding a new paragraph to read: "Own or hold real property."

Even if MKSOA were authorized to hold title to the Mauna Kea lands, the bill does not address how those lands will be treated under chapter 171, HRS. Under section 171-2, HRS, the Mauna Kea lands would remain "public lands" unless expressly exempted. Public lands are lands owned by the State and are subject to the statutory framework set forth in chapter 171, which governs their

use, disposition, and management, including oversight and approval authority exercised by the Board of Land and Natural Resources (BLNR). As a result, the Mauna Kea lands, would remain subject to chapter 171, HRS, which may result in overlapping authority between MKSOA and BLNR and uncertainty regarding which entity has final authority over the use and management of the lands.

To further align the status of the Mauna Kea lands with the stated purpose of this bill, the Mauna Kea lands could be expressly exempted from the definition of "public lands" by adding a new section to the bill that amends section 171-2, HRS, by adding a new paragraph to the list of exemptions to read "Mauna Kea lands as defined in section 195H-2."

## **II. Release, Waiver, and Extinguishment of Existing and Future Claims**

### **A. Treatment of Existing Claims and Retroactivity Considerations**

Section 3 of the bill requires the MKSOA to accept the fee and lessor interests in the properties in their existing condition, provided that any existing claims or liability that exists, may have existed, or may exist in the future regarding any injury, loss, cost, damage, or liability, including reasonable attorney's fees, concerning the physical, environmental, soil, economic, and legal conditions of the properties, shall not be transferred to the MKSOA. All claims and liabilities against the State and its agencies, if any, that exist, may have existed, or may exist in the future, regarding any injury, loss, cost, damage, or liability, including reasonable attorney's fees, concerning the physical, environmental, soil, economic, and legal conditions of the properties, are released, waived, and extinguished. Page 4, lines 3-15 and page 5, lines 6-18.

As drafted, this provision would broadly eliminate existing claims related to the Mauna Kea lands, including claims that may have already accrued or are currently pending. This raises concerns because Hawai'i law generally disfavors retroactive legislation that impairs existing rights or affects past transactions.

See section § 1-3, HRS, and *Taniguchi v. Ass'n of Apartment Owners of King Manor, Inc.*, 114 Hawai'i 37, 47, 155 P.3d 1138, 1148 (2007) (citations omitted).

In the context of the Mauna Kea lands, some of these claims may be considered "vested rights" under Hawai'i law – meaning they already belong to a specific person and are not just future or potential claims. Hawai'i courts have recognized that rights may be protected once they have become vested, particularly where claims have already accrued or are the subject of pending litigation. *See, e.g., Damon v. Tsutsui*, 31 Haw. 678, 693 (1930); *Kaho'ohanohano v. Dept. of Human Services*, 117 Hawai'i 262, 314, 178 P.3d 538, 590 (2008). Hawai'i law also recognizes that legislation may impose reasonable prospective constraints on the use of property or claims. *Kendrick v. Planning Dep't of the Cnty. of Kaua'i/Planning Comm'n of Cnty. of Kaua'i*, 155 Hawai'i 230, 240, 561 P.3d 434, 444 (Ct. App. 2024). However, the bill goes further by extinguishing claims, including claims that may have already accrued.

Further, this bill does not distinguish between existing claims and future claims, and it does not explain why claims that have already arisen should be extinguished. If applied to claims that have already arisen, such as those relating to the conditions, impacts, or prior activities on Mauna Kea, the absence of notice or an opportunity to be heard may raise procedural fairness concerns. To the extent the bill eliminates existing claims relating to the Mauna Kea lands, it may raise due process considerations, which generally requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner when a person's property rights are being affected. *Kendrick*, 155 Hawai'i at 238, 561 P.3d at 442.

For these reasons, the Department recommends that the bill clarify the scope of the waiver as it applies to claims involving the Mauna Kea lands, including whether it is intended to apply to existing claims, and consider limiting the provision to prospective claims or providing a process to address claims that have already arisen.

**B. Treatment of Future Claims and Scope of Liability**

The State's sovereign immunity generally bars claims for damages unless expressly waived, and any waiver must be strictly construed in favor of the State of Hawai'i. Chapter 662, HRS, provides a limited waiver of that immunity for certain tort claims arising from the acts or omissions of State employees, but only where the claim is comparable to one that could be brought against a private party. See section 662-2, HRS.

As drafted, the bill would broadly extinguish future claims related to "the physical, environmental, soil, economic, and legal conditions" of the Mauna Kea lands. Page 5, lines 12-18. In effect, this language operates as a complete bar to all future claims for damages, arising from conditions or activities on Mauna Kea, including claims that would otherwise fall within the State's existing waiver of immunity under chapter 662, HRS. As a result, the bill would remove such claims from the State's established liability framework without providing an alternative mechanism for resolving or managing those claims.

However, the bill would not eliminate all potential claims. While the bill may bar certain claims for damages, it would not preclude all litigation related to the Mauna Kea lands, and the State may still be subject to court-ordered relief. Certain claims cannot be extinguished as a matter of law. Claims seeking prospective injunctive relief to address ongoing violations of federal law may still proceed against State officials. See *Arizona Students' Ass'n v. Arizona Bd. of Regents*, 824 F.3d 858, 865 (9th Cir. 2016) (citing *Ex Parte Young*, 209 U.S. 123, 149–56 (1908)).

Accordingly, the Department recommends that the bill clarify the scope of the waiver and extinguishment provisions. In particular, the Legislature may wish to consider whether the provision should be limited to prospective claims, how it is intended to interact with chapter 662, HRS, and whether the scope of claims subject to the waiver should be more precisely defined.

### **III. Transfer of Conditional District Use Permits**

Section 5, of the bill amends Act 255, Session Laws of Hawaii 2022, section 7, by adding subsections (e) and (f) at page 9, line 10, through page 12, line 4 of the bill, which require the University to transfer each applicable CDUP and its rights and obligations to each astronomical observatory for the respective property without amendment.

For state and public lands, section 13-5-31(b), Hawaii Administrative Rules (HAR), requires the State of Hawaii or government entity with management control over the parcel to sign a CDUP application as landowner. Accordingly, each of the CDUPs referenced in the bill was signed by the University. As the successor state agency with management authority over the relevant property, MKSOA would appear to be the most appropriate assignee of said CDUPs. Moreover, CDUPs run with the land. Compliance obligations continue to apply to the land use authorized by the CDUP and to those who control it, including MKSOA as the successor landowner or lessor. It would also be impractical for the University to continue to serve as the named permittee of the CDUP when it has no management authority, control, or other property interest over the property. Without a CDUP in the successor landowner or tenant's name (i.e., a party that has a property interest in the land in question), there would be no existing authorization to conduct the activities permitted in the CDUP in the conservation district.

We respectfully ask the Committee to consider the recommended amendments. Thank you for the opportunity to testify on the bill.

**HB-2592-HD-2**

Submitted on: 3/22/2026 7:29:06 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoeuluwehianuhea Case	Testifying for Na Wai Ho'ola Nui Laau Lapaau	Oppose	Written Testimony Only

Comments:

Aloha Chair Chris Lee, Vice Chair Lorraine Inouye and members of the Committee on WLA/EDU,

My name is Kanoeuluwehianuhea Case, Co-founder of (Emerging) Na Wai Ho'ola Nui La'au Lapa'au Foundation standing in protection of Aloha 'Aina to protect our "Natural resources" otherwise known to Kanaka as our Na Akua, elemental beings from invasive developments. O Mauna A Wakea no ku'u Mauna, 'O Waimea Moku 'O Keawe mai au.

Na Wai Ho'ola Nui La'au Lapa'au stongly opposes HB2592 HD2 Because:

It lets the State walk away from responsibility

- It releases the State from liability for environmental, physical, and legal conditions on Mauna Kea

It waives accountability for decades of impacts

- Any existing or future claims about damage to the land could be legally extinguished

It transfers telescope permits without environmental review

- Permit transfers are exempted from review under Hawaii Environmental Policy

Act Chapter 343 in this bill

It removes opportunities for public input

- The chance to reassess cumulative environmental and cultural impacts is lost

It locks in existing telescope infrastructure

- This could make future reductions or removals far more difficult

It transfers the land "as-is" while erasing liability

- This could leave restoration costs and environmental impacts unresolved.

For these reasons, Na Wai Ho‘ola Nui La‘au Lapa‘au Foundation strongly opposes HB2592 HD2.

Mahalo for your time and consideration.

With respect,

Kanoeuluwehianuhea Case

Lineal Descendant of Moku O Keawe

Co-Founder of Na Wai Ho‘ola Nui La‘au Lapa‘au Foundation with

Co-Founder Kuha’o Kawaauhau Case



**Senator Donna Mercado Kim, Chair**  
**Senator Michelle N. Kidani, Vice Chair**  
Committee on Education

**Senator Chris Lee, Chair**  
**Senator Lorraine R. Inouye, Vice Chair**  
Committee on Water, Land, Culture and The Arts

**Hawaii Legislative  
Council Members**

Joell Edwards  
Wainiha Country Market  
Hanalei

Russell Ruderman  
Island Naturals  
Hilo/Kona

Dr. Andrew Johnson  
Niko Niko Family Dentistry  
Honolulu

Robert H. Pahia  
Hawaii Taro Farm  
Wailuku

Maile Meyer  
Honolulu

Tina Wildberger  
Kihei Ice  
Kihei

L. Malu Shizue Miki  
Abundant Life Natural Foods  
Hilo

Wednesday, March 25, 2026  
1:11PM Conference Room 229

RE: HB 2592 HD1 - Clarifying Powers of the MKSOA - Opposition

Dear Chair Hashem, Vice Chair Morikawa, and Members of the Committees,

On behalf of the Chamber of Sustainable Commerce (CSC), we write in opposition to HB 2592 HD1. The Chamber of Sustainable Commerce represents more than 580 small businesses, sole proprietors and entrepreneurs across Hawai'i committed to a triple bottom line: people, planet and prosperity.

In practice, HB2592 HD1 substantially alters the governance framework for Mauna Kea lands by automatically transferring real property interests and regulatory authority, potentially reducing constitutional safeguards and weakening public accountability. This is not a minor administrative adjustment. It is a profound restructuring of public trust governance.

By transferring fee and lease interests to MKSOA "as a matter of law," the bill may enable long-term use patterns that shift conservation lands toward de facto industrial or specialized zoned use without necessary public safeguards. Conservation lands must not be incrementally transformed into permanent industrial zones by administrative fiat. Incremental authority shifts without clear constitutional anchoring risk diminishing environmental and cultural protections that are fundamental to the integrity of Mauna Kea.

Part of this measure extends sovereign immunity protections to MKSOA, insulating the authority from certain legal challenges. While administrative

Chamber of  
Sustainable Commerce  
808.445.7606  
P.O. Box 22394  
Honolulu, HI 96823

[www.ChamberofSustainableCommerce.org](http://www.ChamberofSustainableCommerce.org)

continuity is important, broad immunity may weaken accountability mechanisms for decisions affecting trust lands, cultural rights, and environmental safeguards.

For these reasons, we urge the Committee to defer or hold HB 2592 HD1 in its current form and instead pursue broader public and constitutional review of proposed governance changes, robust trust protections that safeguard public interest lands, and a governance framework that strengthens – not weakens – constitutional and statutory oversight of lands considered sacred and ecologically priceless.

Respectfully submitted.

**HB-2592-HD-2**

Submitted on: 3/23/2026 11:25:30 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Makana Kaupe	Testifying for POLYROOTS	Oppose	Written Testimony Only

Comments:

I, Makana Kaupe, strongly oppose HB2592 HD2.

Environmental and cultural protection guarantees must be in place prioritizing Mauna Kea, not building and maintaining more unnecessary telescopes. There must also be accountability for past and any future mismanagement and wrongdoing. No authority should have unchecked power.

The Native Hawaiian community must not be excluded from having any decision making capability regarding Mauna Kea. The voices of our kūpuna must be heard and not ignored. Our sacred Mauna Kea must be respected. Too many decades of destruction and desecration have already caused unimaginable harm.

Mahalo,

Makana Kaupe

POLYROOTS

This above testimony was written by me on March, 23, 2026 without artificial intelligence.



Testimony to the Senate Committees on Education and  
Water, Land, Culture and the Arts on  
**House Bill 2592 HD2**  
**Relating to the Mauna Kea Stewardship & Oversight Authority**  
Wednesday, March 25, 2026, 1:11 p.m.

Aloha Chairs Kim and Lee, Vice Chairs Kidani and Inouye, and Members of the Committees,

The undersigned leaders of the Maunakea Observatories appreciate the opportunity to share our **support** of House Bill 2592 HD2 to clarify the role and kuleana of the Mauna Kea Stewardship and Oversight Authority (MKSOA).

It is an honor to conduct research on Maunakea, a wahi pana whose significance goes far beyond the scientific contributions from our astronomy facilities. Our purpose is to expand the information about our collective origins on behalf of future generations.

We understand that the telescope sites upon which we do our work are part of the Hawai'i Public Land Trust, and the history of its land tenure is complex and unresolved. We acknowledge that the factors considered in land use decisions that established the astronomy facilities on Maunakea have evolved considerably over time.

**We view the establishment of the MKSOA as an important and profound balancing of decision-making authority on Maunakea and embrace the foundational principle of community-led mutual stewardship that the MKSOA represents.**

We commit to continuing our productive engagement in and support of the MKSOA's transition and management planning process and supporting the authority and decisions of the MKSOA going forward.

Mahalo.

A handwritten signature in black ink, appearing to read "J. Cuby".

Jean-Gabriel Cuby, Director  
Canada-France-Hawai'i Telescope

A handwritten signature in black ink, appearing to read "John O'Meara".

John O'Meara, Deputy Director & Chief Scientist  
W. M. Keck Observatory

A handwritten signature in black ink, appearing to read "W. Skidmore".

Warren Skidmore, Deputy Director  
NASA Infrared Telescope Facility

**HB-2592-HD-2**

Submitted on: 3/20/2026 4:41:51 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strong Support HB2592 HD2 & MKSOA

Dana Keawe

Moku o Keawe

**HB-2592-HD-2**

Submitted on: 3/20/2026 5:43:01 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

Submitted By	Organization	Testifier Position	Testify
Dee Green	Individual	Oppose	Written Testimony Only

Comments:

**Testimony in Opposition to HB2592 HD2 until amended**

I respectfully request that HB2592 HD2 be amended to ensure full compliance with Hawai‘i’s environmental laws, conservation district protections, and constitutional public trust obligations. While the transition of management authority to the Mauna Kea Stewardship and Oversight Authority may be appropriate, several provisions in the bill raise serious concerns about liability, environmental review, and long-term accountability for public trust lands on Mauna Kea.

Mauna Kea lands are held in trust for the people of Hawai‘i under Article XI of the Hawai‘i Constitution, and the State has an ongoing responsibility to protect natural resources, cultural practices, and the ecological integrity of these lands for future generations. The current language in this bill does not clearly preserve those responsibilities.

To address these concerns, I offer the following suggested revisions.

For Part II, Section 3(a) and 3(b), the bill currently states that all claims and liabilities against the State and its agencies, whether past, present, or future, are released, waived, and extinguished. This language should be revised so that those claims and liabilities are not transferred to the Mauna Kea Stewardship and Oversight Authority. This change would ensure that responsibility for environmental conditions and public trust obligations remains with the State.

For Part II, Section 3(b), before any transfer takes place, the State and the University of Hawai‘i should conduct appropriate environmental due diligence, including review of environmental conditions and compliance with Hawai‘i Revised Statutes Chapter 183C and Chapter 343. The transfer should not be interpreted in a way that waives or limits any existing legal or constitutional responsibilities related to environmental protection or public trust resources.

For Part III, Section 7(e), the bill currently allows conservation district use permits to be transferred without additional regulatory review, including review under Chapter 343. This should be revised so that, prior to any transfer, the University of Hawai‘i and the Board of Land and Natural Resources ensure compliance with all applicable laws and requirements, and that no obligations under existing permits, statutes, or the public trust doctrine are waived.

For Part III, Section 7(f), during the transition period for conservation district use permits, there should be clear coordination between the University, the Authority, and the Department of Land

and Natural Resources. This includes ensuring compliance with Chapters 183C and 343, clearly defining responsibilities for monitoring and enforcement, and protecting public trust resources, including cultural, ecological, and water resources. Permit transfers should not result in any loss of existing protections or responsibilities.

For Part IV, when the Authority adopts new management plans or rules, those plans should explicitly include the obligations of the public trust doctrine, including protection of water resources, ecological systems, cultural practices, and natural and cultural sites, consistent with Article XI of the Hawai‘i Constitution.

For Part V, Section 9(a), any sovereign immunity provided to the Authority should be consistent with what is already provided to other state agencies and should not expand those protections in a way that limits accountability.

HB2592 HD2 should be amended to ensure that the transition of management strengthens accountability, protects environmental and cultural resources, and upholds the State’s public trust responsibilities, including the need for Native Hawaiian consent and oversight.

Thank you

**HB-2592-HD-2**

Submitted on: 3/20/2026 5:45:13 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl burghardt	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair and Committee Members

I strongly oppose HB2592 HD2 concerning the Mauna Kea Stewardship and Oversight Authority. While the intent to transition governance may seem reasonable, the bill as written raises serious concerns about liability, environmental protections, and the preservation of public trust lands. Transferring property interests “as is” and extinguishing claims against the State for past, present, or future environmental, cultural, or legal impacts shifts accountability away from the State and undermines the very protections this sacred land deserves.

The current exemption for conservation district use permits from environmental review under Chapter 343 and other applicable laws is unacceptable. Before any transfer, the University of Hawai‘i and the Board of Land and Natural Resources must ensure full compliance with all applicable statutes and regulations, and no obligations under existing permits, environmental laws, or public trust responsibilities should be waived or released. The people of Hawai‘i and Native Hawaiian communities must retain oversight to ensure these lands are protected.

The bill’s proposed transition grants broad powers to the Mauna Kea Stewardship and Oversight Authority without sufficient safeguards for environmental enforcement, public trust oversight, or Native Hawaiian consent. By allowing the Authority to assume control while exempting past and future liabilities, the bill risks weakening protections for water, natural resources, sacred sites, and cultural practices. This approach removes transparency and accountability, leaving our most sacred mountain vulnerable to mismanagement.

Any new master plans, management plans, or rules adopted by the Authority must explicitly incorporate public trust obligations, including the protection of water, natural resources, ecological integrity, and cultural practices in accordance with Article XI of the Hawai‘i Constitution.

Sovereign immunity for the Authority should match existing protections for state agencies and should not provide additional legal shields that limit accountability. HB2592 HD2 must be amended to preserve responsibility, ensure compliance with environmental laws, and uphold Native Hawaiian consent. The stewardship of Mauna Kea should strengthen protection of this sacred mountain, not weaken the rights, cultural heritage, and public trust it represents.

Cheryl Burghardt

Nuuanu Oahu

**HB-2592-HD-2**

Submitted on: 3/20/2026 6:27:33 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

I support this bill

**HB-2592-HD-2**

Submitted on: 3/20/2026 7:56:42 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am testifying in opposition to HB2592.

MKSOA was created to find balance with the existing interests for Mauna Kea. This bill will undermine that effort as it leaves many of the major permits with authority of the University of Hawai'i. The stand in 2015, 2016, then again in 2019 shows that the problem is with the way this resource was being managed, yet this bill would have that continue. MKSOA should have governance over all the permits on the mountain, not simply Hale Pohaku and the Science reserve. Do not allow the University to hold the permits to the telescopes on the mountain, all of that should be transferred to the MKSOA.

Do not undermine the work that has been occurring since 2022 when MKOSA was created, and do not underestimate the need for balance and collaboration when it comes this sacred site.

Mahalo for your consideration,  
Keoni Shizuma

**HB-2592-HD-2**

Submitted on: 3/20/2026 9:14:16 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Heather Rose	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill because it shifts power, removes accountability, and locks in existing development on Mauna Kea without guaranteeing cultural protection, environmental review, or Native Hawaiian consent.

**HB-2592-HD-2**

Submitted on: 3/20/2026 11:02:50 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Blaine De Ramos	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2592

**HB-2592-HD-2**

Submitted on: 3/21/2026 6:02:57 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lauae kekahuna	Individual	Oppose	Written Testimony Only

Comments:

'A'ole (no) you folks should go back to the mainland to run your test and telescopes on!

build it on your ancestors bones.

this Mauna is our most precious recourse so please go back home to where you came from!

no more desecrating our 'Āina!

**HB-2592-HD-2**

Submitted on: 3/21/2026 7:42:42 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Joanna Maile Pokipala Resurrection	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Joanna Maile Pokipala Resurrection and I strongly oppose bill HB2592. This bill shifts power, removes accountability, and locks in exciting development on the mauna without guaranteeing cultural protection, environmental review, or native Hawaiian consent. This bill reflects mismanagement which is what we, as the people of Hawai'i, are so tired of seeing in government. Please, listen to your constituents and not the people who lobby for cooperation and erase this bill from existence.

Mahalo,

Joanna Maile Pokipala Resurrection

**HB-2592-HD-2**

Submitted on: 3/21/2026 9:09:22 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nathaniel Montalbo	Individual	Oppose	Written Testimony Only

Comments:

This does not support values of Kanaka Maoli, nor does it reflect the interests and intentions of our kupuna.

**HB-2592-HD-2**

Submitted on: 3/21/2026 10:47:33 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Oppose	Written Testimony Only

Comments:

oppose

**HB-2592-HD-2**

Submitted on: 3/22/2026 12:46:21 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leah K	Individual	Oppose	Written Testimony Only

Comments:

This bill risks perpetuating historical conflicts, environmental damage, and cultural harm, while weakening Act 255's reforms and lacking a clear, unified framework for Mauna Kea stewardship. I oppose HB2592 HD2.

**HB-2592-HD-2**

Submitted on: 3/22/2026 5:21:37 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Candice Johnson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB 2592. This bill shifts power, removes accountability, and locks in existing development on Mauna Kea without guaranteeing cultural protection, environmental review, or Native Hawaiian consent. Enough! No more development, telescopes, drilling, aquifer disruption, etc. NO MORE. The word "development" has NO PLACE on our sacred lands.

Respectfully submitted,

Candice J. Hololio Johnson

**HB-2592-HD-2**

Submitted on: 3/22/2026 5:27:24 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kapulei Flores	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in opposition to HB2592 HD2 that would shift power, remove accountability, and locks in existing development on Mauna Kea without guaranteeing cultural protection, environmental review, or Native Hawaiian consent. This would release the state from liability for environmental, physical, and legal conditions on Mauna Kea. This also waives accountability for decades of impacts with existing or future claims about damage to the land being possibly legally extinguished. It would transfer telescope permits without environmental review under the Hawaii Environmental Policy Act Chapter 343 in this bill. We have seen over the years how important and critical it is to have an EIS on any project let alone a construction project on sacred, cultural, and critically endangered habitat like Mauna Kea. This bill would also remove opportunities for public input which is and should be one of the most important and mandatory steps in a project proposal process. This bill risks perpetuating historical conflicts, environmental damage, and cultural harm, while weakening Act 255's reforms and lacking a clear, unified framework for Mauna Kea stewardship. Please OPPOSE this bill for the greater good of the mauna itself, the people of Hawai'i, our natural resources, and the future of our sacred places and native critical habitat areas.

Mahalo, Kapulei

**HB-2592-HD-2**

Submitted on: 3/22/2026 5:33:07 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chaya Ilikea Arakaki	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I, `Ilikea Tohara, oppose this bill.

This bill shifts power, removes accountability, and locks in existing development on Mauna Kea without guaranteeing cultural protection, environmental review, or Native Hawaiian consent.

It waives accountability for decades of impacts. Any existing or future claims about damage to the land could be legally extinguished. It transfers telescope permits without environmental review. The bill also removes opportunities for public input.

The chance to reassess cumulative environmental and cultural impacts are lost. It locks in existing telescope infrastructure and this could make future reductions or removals far more difficult. It transfers the land "as is," while erasing liability. This could leave restoration costs and environmental impact unresolved.

It still does not require Native Hawaiian consent. This bill references cultural values, but does not guarantee decision-making authority for Native Hawaiians. It shield th enew authority from lawsuits.

This bill risks perpetuating historical conflicts, environmental damage, and cultural harm, while weakening Act 255's reforms and lacking a clear, unified framework for Mauna Kea stewardship.

We need to have Native Hawaiian voices heard and at the decision-making table.

Thank you.

`Ilikea Tohara

**HB-2592-HD-2**

Submitted on: 3/22/2026 6:49:38 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ramona Hussey	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill HB 2592 which would empower the State to escape accountability for its actions on Mauna Kea. Please vote NO on this bill.

**HB-2592-HD-2**

Submitted on: 3/22/2026 7:57:30 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Robert Douglas	Individual	Oppose	Written Testimony Only

Comments:

Question is ignoring the majority voice of an indigenous people a form of colonialism or is it just cultural suppression?

How many times must they say no before their wishes are respected?

**HB-2592-HD-2**

Submitted on: 3/22/2026 8:05:00 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cory Harden	Individual	Comments	Written Testimony Only

Comments:

Aloha legislators,

Does the MKSOA have the expertise and staff to handle these responsibilities?

mahalo,

Cory Harden, HIlo

**HB-2592-HD-2**

Submitted on: 3/23/2026 8:45:15 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Damien Awai	Individual	Oppose	Written Testimony Only

Comments:

I am opposed to this bill for the following reasons.

this bill shifts power, removes accountability and locks in existing development on Mauna Kea without guaranteeing cultural protection, environmental review or Native Hawaiian consent.

This lets the state walk away from their responsibility for environmental, physical and legal conditions on Mauna Kea

It transfers telescope permits without environmental review.

Locks in existing telescope infrastructure and transfers land as is while erasing liability.

this bill perpetuates the historical conflicts, environmental damage and cultural harm while weakening act 255's reform and lacking a clear unified framework for Mauna Kea Stewards.

Damien Awai

**HB-2592-HD-2**

Submitted on: 3/23/2026 8:51:04 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Oppose	Written Testimony Only

Comments:

Hello Chair, Vice Chair, and Members of the Committee,

My name is Nanea Lo, and I am writing in strong opposition to HB2592.

This bill raises serious concerns regarding its potential impacts on our communities, our environment, and the long-term well-being of Hawai‘i’s people. At a time when our state should be prioritizing equity, sustainability, and community-centered decision-making, HB2592 moves us in the wrong direction.

Policies like this risk deepening existing disparities by placing additional burdens on working families and Native Hawaiian communities, while failing to adequately protect our natural resources. Our ‘āina is not just a resource to be used—it is the foundation of our identity, culture, and survival. Any measure that threatens its health and resilience must be carefully reconsidered.

Additionally, there is a lack of clear accountability and community input reflected in this bill. Decisions that have lasting impacts on our environment and local communities must be made with transparency and in genuine partnership with the people most affected. Without that, legislation like HB2592 risks causing more harm than good.

I urge this committee to instead prioritize solutions that:

- Protect Hawai‘i’s natural resources and cultural landscapes
- Center the voices of impacted communities
- Advance environmental justice and long-term sustainability
- Support working families rather than creating additional strain

For these reasons, I respectfully urge you to **VOTE NO on HB2592**.

Me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai‘i Member

Hawai‘i Workers Center Board Member

Clean Elections Hawai‘i Member

Honolulu Tenants Union Member

350 Hawai‘i Member

Carbon Cashback Hawai'i Member  
Hawai'i Tax Fairness Coalition Member

**HB-2592-HD-2**

Submitted on: 3/23/2026 9:59:35 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dorinna Cortez	Individual	Oppose	Written Testimony Only

Comments:

My name is Dorinna Cortez and I am a native Hawaiian resident of Hawai‘i Island. I am writing in strong opposition to HB2592.

I am opposed to this measure because it undermines the authority of the Mauna Kea Stewardship and Oversight Authority (MKSOA). This authority was created to establish a new, balanced approach to managing Mauna Kea, ensuring native Hawaiian, community, and environmental concerns are central to the process. HB2592 threatens to perpetuate historical conflicts, environmental damage, and cultural harm by weakening this stewardship model.

Specifically, this bill would likely exempt major telescope permits (CDUPs) from being transferred to the oversight of the MKSOA, leaving management in the hands of entities that have not adequately protected the mountain.

The people of Hawai‘i deserve a future where Mauna Kea is treated with respect and managed with the best interest of the land and the culture in mind.

I urge this committee to **OPPOSE** HB2592 and allow the MKSOA to fulfill its designated role.

Mahalo for your time and consideration.

Sincerely,  
Dorinna Cortez

naiadance@gmail.com

**HB-2592-HD-2**

Submitted on: 3/23/2026 11:08:23 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Anne Lorenzo	Individual	Oppose	Written Testimony Only

Comments:

**Aloha,**

**COMMITTEE ON HAWAIIAN AFFAIRS**

**Chair Senator Herbert M. "Tim" Richards, III,**

**Vice Chair Senator Rachele Lamosao**

**COMMITTEE ON ENERGY & INTERGOVERNMENTAL AFFAIRS**

**Chair Senator Glenn Wakai**

**Chair Senator Stanley Chang**

**My name is Anne M. Lorenzo. I submit this testimony in strong opposition to any legislative measure that advances geothermal exploration, exploratory drilling, or geothermal development through the Department of Business, Economic Development and Tourism (DBED) and/or the Department of Hawaiian Home Lands (DHHL).**

**This testimony is offered not only as a political position, but as a statement of lived experience, ancestral responsibility, and lived consequence.**

—

**Geothermal Has Already Harmed Our People and ‘Āina**

**Geothermal development in Hawai‘i is not theoretical. It has a documented history of physical harm, displacement, illness, and desecration — particularly to Kanaka Maoli communities living closest to these projects.**

**Communities near geothermal operations have experienced:**

- **Chronic health issues linked to hydrogen sulfide and toxic emissions**
- **Loss of access to ancestral lands**
- **Devaluation of homes and forced displacement**
- **Ongoing psychological stress from living near industrial extraction sites**

**These harms are not “externalities.” They are borne by our people, while benefits flow elsewhere.**

**To advance geothermal again — under new language or new agencies — is to ignore lived trauma and repeat known harms.**

—

### **DHHL’s Role Is Especially Troubling**

**The involvement of DHHL in geothermal exploration and development is deeply troubling and fundamentally contradictory to its trust responsibility.**

**DHHL exists to:**

- **Restore land to Native Hawaiians**
- **Improve health, stability, and well-being of beneficiaries**
- **Correct historical injustices, not deepen them**

**Yet DHHL has proposed or supported geothermal activity in areas such as Humu‘ula, a region of profound cultural, spiritual, and genealogical significance.**

**Humu‘ula is not an “empty” landscape. It is:**

- **A sacred cultural region**
- **A storied ancestral space**
- **A place of ongoing spiritual practice and relationship**

**To propose exploratory drilling — which is not benign — in such a place constitutes desecration, regardless of mitigation language or consultation claims.**

**There is no version of geothermal drilling that is culturally neutral.**

---

## **Exploratory Drilling Is Not Harmless**

**The framing of “exploratory” geothermal drilling as low-impact is misleading.**

**Exploration involves:**

- **Deep drilling into the body of the ‘āina**
- **Alteration of subsurface systems**
- **Introduction of industrial infrastructure**
- **Irreversible disturbance, even if full development does not proceed**

**For Kanaka Maoli, the ‘āina is a living relative. You do not “test” a living body without consequence.**

---

## **Economic Framing Ignores Cultural Impacts and Harm.**

**Geothermal is often justified using language of:**

- **Renewable energy**
- **Sustainability**
- **Economic development**

**But these frameworks exclude cultural and spiritual harm — These cultural impacts are real, cumulative, and intergenerational.**

**The stress of watching sacred lands threatened, industrialized, or extracted from is not abstract. It manifests as:**

- **Anxiety, Depression, PTSD and grief**
- **Community fragmentation**
- **Loss of trust in institutions and government**
- **Re-traumatization of people already carrying historical dispossession.**

**True sustainability cannot come at the cost of continued harm to our people.**

---

**This Is Not Consent**

**Consultation does not equal consent.**

**WE DO NOT CONSENT TO DHHL GEOTHERMAL INITIATIVES**

**Notice does not equal consent. SCHEDULING BENEFICIARY CONSULTATION MEETINGS AFTER THE INTRODUCTION AND PASSAGE OF BILLS IS A VIOLATION UNDERMINES PROCEDURAL FAIRNESS.**

**Participation under duress does not equal consent.**

**Kanaka Maoli opposition to geothermal has been consistent, informed, and rooted in experience. To proceed anyway is consultation becoming a formality rather than a safeguard to protect our assets not exploit us.**

---

**HB1307 HD2, which appropriates funds to the Department of Hawaiian Home Lands (DHHL) for water well development and geophysical investigation, exploration, and identification of geothermal resources on Hawaiian home lands, raises significant legal issues related to the protection of customary and traditional rights, public trust resources, and procedural safeguards under Hawai'i law. Geothermal exploration and development on DHHL lands can materially affect access to water, land, and cultural sites, triggering obligations under the Hawai'i Constitution, statutory frameworks, and Hawai'i Supreme Court precedents. The key legal considerations include:**

 **Key Legal Considerations**

**• Hawai'i Constitution – Public Trust & Environmental Protection**

- **Article XI, § 1: All public natural resources are held in trust for present and future generations and must be conserved and protected.**
- **Article XII, § 7: The State must reaffirm and protect customary and traditional practices exercised by Native Hawaiian beneficiaries.**
- **Customary & Traditional Rights Jurisprudence**
- **Pele Defense Fund v. Paty (1992): Customary rights extend beyond the ahupua‘a of residence; denial of access for subsistence, cultural, or religious practices may be legally challenged.**
- **Hawai‘i Revised Statutes – Public Trust & Resource Duties**
- **HRS Chapter 343: Environmental review (EIS/EA) required for projects affecting natural and cultural resources.**
- **HRS §§ 171 & 205A: Establish public trust duties, land use protections, and require safeguarding resources for beneficiaries.**
- **Environmental Rights & Planning Laws**
- **Land use planning statutes require evaluation of ecological, cultural, historic, and open space values before permitting projects that impact public trust resources.**
- **Procedural & Fiduciary Obligations**
- **Pre-decisional, meaningful consultation with beneficiaries is legally required.**
- **Failing to consult before decisions are made risks violating customary rights, trust responsibilities, and may lead to legal challenges.**
- **Practical Implications for HB1307 HD2**
- **Geothermal exploration and well development may impact water, land, and cultural sites.**
- **Without proper consultation and environmental review, beneficiaries’ rights and kuleana to ‘āina may be compromised.**

## **A Call for a Different Path**

**If the State of Hawai‘i is serious about renewable energy, climate resilience, and justice, then it must:**

- **Reject geothermal projects that harm Kanaka Maoli and sacred ‘āina**
- **Remove DHHL from extractive energy development entirely**
- **Invest in community-led, truly regenerative energy solutions**
- **Respect cultural landscapes as living systems, not development zones**

**Energy sovereignty cannot be built on cultural sacrifice.**

—

### **Conclusion**

**I urge you to oppose any bill that advances geothermal exploration or development through DBED or DHHL.**

**Our ‘āina is not a commodity.**

**Our sacred sites are not expendable.**

**Our people are not collateral damage.**

**Mahalo for the opportunity to submit this testimony.**

**Respectfully,**

**Anne M. Lorenzo**

**HB-2592-HD-2**

Submitted on: 3/23/2026 12:35:28 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

Submitted By	Organization	Testifier Position	Testify
J. Kehau Lucas	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Kehau Lucas, and **I am submitting testimony in strong opposition to HB2592 HD2.**

HB2592 HD2 introduces serious risks to cultural integrity, environmental protection, legal accountability, and long-term stewardship of Mauna Kea. Rather than strengthening governance, this bill shifts power, removes safeguards, and locks in existing development without ensuring that Native Hawaiian voices, cultural protections, or environmental considerations are meaningfully upheld.

**1. The bill removes State accountability and allows the State to walk away from responsibility.**

HB2592 HD2 releases the State from liability for environmental, physical, and legal conditions on Mauna Kea. After decades of cumulative impacts, this waiver is deeply troubling. Any existing or future claims related to damage or degradation of the mauna could be extinguished under this bill, denying communities any legal recourse for harms already endured.

**2. It transfers telescope permits without environmental review.**

Under this proposal, the transfer of permits is explicitly exempt from Hawai'i Environmental Policy Act (HEPA) review. This means that significant land-use permissions could shift hands with no environmental assessment, no analysis of cumulative impacts, and no opportunity to address longstanding concerns about construction, contamination, or ecological disruption on Mauna Kea.

**3. The bill removes opportunities for public input.**

By exempting permit transfers from HEPA and other oversight, the public loses critical avenues to provide feedback on cultural, environmental, and community concerns. Reassessment of cumulative impacts—already a major issue on Mauna Kea—is effectively shut down.

#### **4. It locks in existing telescope infrastructure and makes future reductions difficult.**

HB2592 HD2 stabilizes and protects the existing footprint of observatory infrastructure. This could severely limit future efforts to reduce or remove telescopes, restore impacted areas, or rebalance land use in alignment with community values.

#### **5. It transfers the land “as is” while erasing liability.**

The State transfers land stewardship while disclaiming responsibility for existing damage and unresolved environmental impacts. This could leave restoration costs unaddressed and perpetuate environmental disparities on the mauna.

#### **6. The bill still does not require Native Hawaiian consent.**

Although HB2592 HD2 references cultural values, it does not establish decision-making authority for Native Hawaiians. Without formal consent mechanisms, the bill perpetuates patterns of governance that marginalize the very communities most connected to, and most affected by, decisions on Mauna Kea.

#### **7. It shields the new authority from lawsuits.**

By granting sovereign immunity to the proposed Mauna Kea Stewardship and Oversight Authority (MKSOA), the bill significantly limits legal accountability. This undermines transparency, community trust, and the ability to seek redress when harm occurs.

---

### **Conclusion**

HB2592 HD2 threatens to perpetuate the very conflicts Act 255 sought to resolve. It weakens environmental safeguards, diminishes public oversight, erases accountability, and fails to guarantee Native Hawaiian decision-making in the stewardship of Mauna Kea.

For these reasons, I respectfully urge the committee to OPPOSE HB2592 HD2.

Mahalo for the opportunity to testify.

**HB-2592-HD-2**

Submitted on: 3/23/2026 6:42:04 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary True	Individual	Support	Written Testimony Only

Comments:

I support HB2592 HD2.

Aloha and mahalo, Mary True, Pepekeo

**HB-2592-HD-2**

Submitted on: 3/23/2026 8:11:49 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
jeanne wheeler	Individual	Oppose	Written Testimony Only

Comments:

Aloha: I very strongly oppose this bill - it negates many of the important elements that are needed to protect & responsibly manage the Mauna Kea area... please do NOT pass this!  
Mahalo, JW

**HB-2592-HD-2**

Submitted on: 3/24/2026 8:56:14 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Teani	Individual	Oppose	Written Testimony Only

Comments:

This bill is hewa as it allows for less security and respect over our sacred lands. We as Hawaiians have always had the mindset of the land is chief, peoples it's servant. We take care of the land and in return it takes care of us. I recently was able to go up to Mauna Kea where I felt so much mana and connection to my people. By desecrating this land it removes the connection to the culture and ancestors. As a state, we should WILLINGLY care for our land and the culture behind it. We are losing our mindsets of what it means to be Hawaiian. It is not just aloha for others. It's aloha for the land as well and an immense understanding of the 'Āina, which we obviously don't have if we are willing to pay no mind to it. I remember for a field trip in middle school, we all went to Haleakala, where another class went to Mauna Kea in order to teach the youth about who they are. By removing the responsibility of this land to our state, we are losing the idea of who we are. We are losing our culture more and more every day, meaning it is important we save the landmarks we still currently have. I can't believe it is even a bill right now that I have to oppose knowing we as a people live in HAWAII and SHOULD be caring for Hawaiian landmarks/traditions. This is just blatant disrespect from you all to even propose something like this.

**HB-2592-HD-2**

Submitted on: 3/24/2026 10:18:21 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jayelyn Finn-Imamoto	Individual	Oppose	Written Testimony Only

Comments:

My name is Jayelyn Finn-Imamoto, I am a native hawaiian, I oppose HB2592 HD2. This is a clear, blatant, and disrespectful attempt at unchecked power for the state to make any kine with the land and no accountability for what happens. That is not how real life works. Consequences are not just judicial. America and the State of Hawaii ignore Hawaiian voices, rape and degrade our land, and leave us to suffer the consequences. You guys constantly try to find new ways to legally and illegally, but always immorally, ignore the voices of the people to make your profits. Now you're trying to make it so we cannot even oppose or complain about it. You people climb to your positions by smiling in the publics face so they we elect you just to ignore us. You don't care about telescopes. You don't care about the land you live on. You don't care about the people you are supposed to represent if you support this bill. If you support this bill you are ushering the people of Hawaii deeper into the fascist colonial nazi direction Donald Trump rolled out the red carpet for. If you support this bill you are a diaper wearing adult child that makes up over powered rules on the playground because you cannot handle losing. Protecting the aina is not about you as people and neither is your job which is hearing the voices of the people who voted you in. You cannot run from accountability forever. Deny this bill.

**HB-2592-HD-2**

Submitted on: 3/24/2026 10:28:53 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charlene Holani	Individual	Oppose	Written Testimony Only

Comments:

Please do not allow this bill to go through. This removes any right our community has to say in regards to the protection of our own home. Allowing this bill to go through removes democratic rights to our future. This is debilitating to our children and places profit over people then protects those profits. Please do not allow this to happen.

**HB-2592-HD-2**

Submitted on: 3/24/2026 11:38:48 AM

Testimony for WLA on 3/25/2026 1:11:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Nakamura	Individual	Oppose	Written Testimony Only

Comments:

*Aloha,*

*My name is Malia Nakamura. I am submitting written testimony strongly opposing Bill HB2592 as it risks perpetuating historical conflicts, environmental damage, and cultural harm, while weakening Act 255's reforms and lacking a clear, unified framework for Mauna Kea stewardship.*

*It would exempt major telescope permits from transfer to MKSOA, it limits MKSOA's authority since it can't regulate or enforce rules over exempted telescopes, it also undermines the purpose of Act 255 which intended MKSOA to manage Mauna Kea with a balance between cultural, environmental, and scientific interests. It fails to address cultural concerns and Native Hawaiian cultural input limiting regulatory review, including environmental oversight under Chapter 343 which reduces protections for Mauna Kea's fragile summit ecosystems and cultural sites. The bill references cultural values but does not guarantee decision-making authority for Native Hawaiians.*

*This bill continues UH control over Mauna Kea lands since UH would retain control over key operational permits. It transfers the land "as is" while erasing liability which could leave restoration costs and environmental impacts unresolved. Also, it releases the state and University from liability and grants the authority sovereign immunity, sheilding it from accountability that could have lasting environmental, cultural, and legal consequences.*

*For these reasons, I respectfully ask the committee to oppose Bill HB2592.*

*Sincerely,*

*Malia Nakamura*

**HB-2592-HD-2**

Submitted on: 3/24/2026 12:58:48 PM

Testimony for WLA on 3/25/2026 1:11:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wilbert & Laura Costa Sr	Individual	Support	Written Testimony Only

Comments:

Please allow MKSO to be a part of the solution to what has been an extended problem for years. There is much to be corrected, and having the right people in place is essential in getting the issues corrected. Please let the necessary people do their job to get it right. Mahalo



**NOTICE OF HEARING**

DATE: Wednesday, March 25, 2026  
TIME: 1:11 PM  
PLACE: Conference Room 229 & Videoconference  
State Capitol  
415 South Beretania Street  
TIMESLOT: EDU

TO: **Senate Committee on Water, Land, Culture and the Arts**  
Chair: Chris Lee | Vice Chair: Lorraine R. Inouye  
**Senate Committee on Education**  
Chair: Donna Mercado Kim | Vice Chair: Michelle N. Kidani

Re: **Testimony in Strong OPPOSITION of H.B. NO. 2592 HD2 –  
RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY**

---

**Aloha Chairs Lee and Kim, Vice Chairs Inouye and Kidani, and Honorable Committee Members,**

My name is Ronnie Inagaki, and I submit this testimony in strong opposition to HB2592 HD2. I am a Kānaka Māoli community member and environmental advocate, deeply committed to the protection of Mauna Kea’s cultural, ecological, and public trust values.

**I. Introduction**

Mauna Kea is a wahi kapu, a sacred mountain of immense cultural, spiritual, and ecological significance to the Kānaka Māoli people and the broader public. Its stewardship must be guided by principles of accountability, transparency, environmental protection, and genuine Kānaka Māoli self-determination. HB2592 HD2, as currently drafted, fails to uphold these principles and threatens to undermine decades of public trust protections and community engagement.

**II. Comprehensive Opposition and Major Concerns Regarding HB2592 HD2**

As someone deeply invested in the preservation and proper stewardship of Mauna Kea, I share many of the concerns raised regarding HB2592 HD2. These include:

**1. Liability Waivers and Lack of Accountability**

Sections 3(a) and 3(b) of HB2592 HD2 release, waive, and extinguish all claims against the State for past, present, and future harm related to Mauna Kea lands. This absolves the State of responsibility for

mismanagement, environmental damage, and desecration. Such a sweeping waiver undermines the public trust doctrine and sets a dangerous precedent for the management of public lands.

2. **Exemption from Environmental Review**

Section 5(e) exempts the transfer of Conservation District Use Permits (CDUPs) from Chapter 343 environmental review. This bypasses critical safeguards for transparency, public input, and science-based decision-making. Mauna Kea's fragile ecosystems demand rigorous oversight, and removing these protections erodes public trust.

3. **Premature Transfer of Permits Without Compliance Verification**

HB2592 HD2 mandates the transfer of CDUPs to astronomical observatories without verifying compliance with existing conditions. This creates the risk of ongoing violations of conservation district regulations and weakens oversight of activities on Mauna Kea.

4. **Sovereign Immunity for MKSOA**

Sections 8 and 9 grant MKSOA sovereign immunity, shielding it from legal accountability even for actions that may harm the environment, cultural resources, or public trust lands. Such broad immunity undermines transparency and accountability, particularly for a newly established authority.

5. **Failure to Center Kānaka Māoli Leadership and Cultural Stewardship**

Despite claims to honor Kānaka Māoli practices, HB2592 HD2 fails to provide mechanisms for meaningful Kānaka Māoli leadership in decision-making processes. True stewardship requires that Kānaka Māoli voices and values be central, not sidelined.

6. **Lack of Clarity and Transparency in the Transition Plan**

The placeholder effective date of **July 1, 3000** reflects a lack of legislative clarity and commitment to timely implementation. Such ambiguity undermines confidence in the transition plan and leaves critical details unresolved.

### **III. Recommended Amendments**

To address these concerns, I respectfully urge the Committees to adopt the following amendments:

1. Remove Liability Waiver Provisions (Section 3).
2. Restore Chapter 343 Environmental Review for All CDUP and Property Transfers.
3. Mandate Compliance Verification for All CDUPs Before Transfer.
4. Clarify Sovereign Immunity for MKSOA.
5. Ensure Robust Community Engagement and Center Kānaka Māoli Reaffirm the State's Public Trust Obligations.

#### **IV. Conclusion**

HB2592 HD2, as currently drafted, fails to address critical deficiencies in the governance of Mauna Kea, perpetuating cultural and environmental harm. I urge the Committees to reject this measure unless the proposed amendments are adopted to ensure that Mauna Kea's governance reflects the values of kuleana, mālama 'āina, and aloha 'āina.

Mahalo for your consideration.

Me ka ha'aha'a,  
Ronnie Inagaki