

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

P.O. BOX 621
HONOLULU, HAWAII 96809

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

RYAN K.P. KANAKA'OLE
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
WAYS AND MEANS
and
JUDICIARY

Wednesday, April 8, 2026
10:15 AM
State Capitol, Conference Room 211

In consideration of
HOUSE BILL 2592, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

House Bill 2592, House Draft 2, Senate Draft 1 clarifies 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; authorizes MKSOA to own or hold real property and transfers as a matter of law certain real property interests in the Mauna Kea lands to MKSOA; extends the transition period to 12/1/2029, requires the University of Hawai'i (UH) to transfer the various astronomical observatory conservation district use permits (CDUP) to the applicable astronomical observatories, and adds a reversion date of 12/1/2032; clarify that the existing plans and administrative rules remain in effect until plans and administrative rules are adopted by MKSOA; clarifies that MKSOA has state sovereign immunity; and authorizes the MKSOA to extend leases and subleases before the transfer for up to an additional ten-year term. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department supports MKSOA holding the real property interest in the lands identified in the bill and appreciates the proposed amendment to HRS §195H-5(a) which addresses our earlier concerns by giving MKSOA statutory authority to hold real property.

Part III of this measure requires UH to transfer CDUP permits to the applicable observatories, the Department believes the transfer is unnecessary as the CDUPs run with the land. Therefore, we respectfully request the deletion of sections 7(e) and 7(f) regarding the transfer of CDUPs. This will allow the Department, UH, and MKSOA to internally work through these issues through the Transfer Plan that is currently being drafted by the Working Group. Should the committee consider our request, we offer the following suggestion for the amendment:

- Section 4(b), page 7, lines 10-13:

In accordance with the intent of Act 255, Session Laws of Hawaii 2022, all interests to the parcels of land described in subsection (c), together with the existing improvements thereon for which the university of Hawaii holds as lessee are conveyed by the university of Hawaii stewardship and oversight authority as grantee, as is, where is, as a matter of law[; ~~provided that this conveyance shall not apply to the conservation district use permits transferred under section 7(e) and (f) of Act 255, Session laws of Hawaii 2022, as amended by part III of this Act~~].

- Section 5(2), page 9, lines 10-15

~~[(2) Require the university of Hawaii to negotiate for the transfer of the various astronomical observatory conservation district use permits to the applicable astronomical observatories so that, when governance by the Mauna Kea stewardship and oversight authority begins, the authority will not be in conflict; and]~~

- Deletion of sections 7(e)-(f), page 13, line 9 through page 15, line 21

In addition, the Department requests that the reversion language in Part III be clarified to include the return of the fee title in the Mauna Kea lands to the public trust under the management of the Board of Land and Natural Resources by amending section 18 as follows:

Section 18(2), page 18, line 1

shall not be repealed when section 76-16, Hawaii Revised Statutes, is reenacted on December 31, 2031, pursuant to this subparagraph; ~~[and]~~

(B) Management Authority over Mauna Kea lands, as defined in section 304A-1901, Hawaii Revised Statutes, shall revert to the university of Hawaii[-]; and

(C) Fee title to Mauna Kea leads, as defined in section 304A-1901, Hawaii Revised Statutes, shall revert to the Board of Land and Natural Resources."

- Amend section 16 to clarify that any extensions of the existing leases and subleases can occur only **after** the transition period as HRS §195H-6(f) states that *"Notwithstanding of any other law to the contrary, commencing on July 1, 2022, and until the expiration of the transition period, no new lease shall be issued and no existing lease shall be renewed involving any Mauna Kea lands..."*

Section 14(b), page 22, line 9

transition period; provided that upon the expiration of the transition period, the authority may extend

Mahalo for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR



JOHN KOMELI
Chairperson

KIMO ALAMEDA
POMAI BERTELMANN
NEIL HANNAHS
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RYAN KANAKA'OLE
KALEHUA KRUG
BEN KUDO
LANAKILA MANGUIL
RICH MATSUDA
NOE NOE WONG-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 WAYS AND MEANS, SENATE COMMITTEE ON JUDICIARY

April 8, 2026 10:15 A.M. State Capitol, Room 211

SUPPORT FOR H.B. 2592, HD2, SD1 RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

Aloha Chair Dela Cruz, Chair Rhoads, 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, SD1. 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, SD1 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, SD1 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.

In addition, the measure supports the Authority's ability to evaluate and, where appropriate, extend or renegotiate existing leases in a manner that is consistent with Act 255's requirements, including financial sustainability, accountability, and alignment with the comprehensive management framework. This flexibility is necessary to ensure continuity of operations, avoid disruption, and allow for thoughtful, case-by-case decision-making as the transition progresses.

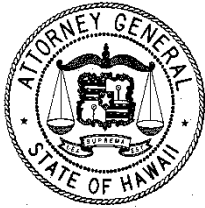
Importantly, the clarifications provided in HB 2592, HD2, SD1 do not expand the physical footprint of development on Mauna Kea, nor do they alter the scope of land use. Rather, the measure provides the administrative clarity and continuity required to implement the framework already established by Act 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, SD1 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, SD1.

Mahalo for the opportunity to provide testimony.

John De Fries
Executive Director, MKSOA



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

ON THE FOLLOWING MEASURE:

H.B. NO. 2592, H.D. 2, S.D. 1, RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Wednesday, April 8, 2026

TIME: 10:15 a.m.

LOCATION: State Capitol, Room 211.

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Tina M. Tsuchiyama
Deputy Attorney General, at (808) 587-2992)

Chairs Rhoads and Dela Cruz 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; (3) MKSOA shall have an easement for access and maintenance in the road easement described in General Lease 4697; and (4) clarifying that MKSOA has sovereign immunity.

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 December 1, 2029, 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.

Senate Draft 1 further amended Act 255 by: (1) extending the transition period from July 1, 2028 to December 1, 2029; (2) providing that if the transfer of powers and

duties pertaining to Mauna Kea lands to MKSOA (Transition) has not been completed by December 1, 2032, management authority over Mauna Kea lands shall revert to the University; (3) clarifying that the University's master plan, management plan, and administrative rules relevant to Mauna Kea lands shall remain in full force and effect until superseding plans are enacted by MKSOA; and (4) granting MKSOA with the power to extend existing leases and subleases before the transfer of powers and duties pertaining to Mauna Kea lands has been transferred to MKSOA.

I. Release, Waiver, and Extinguishment of Existing and Future Claims

A. Treatment of Existing Claims and Retroactivity Considerations

Section 4 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 6, line 18, through page 7, line 3, and page 7, line 21, through page 8, line 6.

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, Hawaii Revised Statutes (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 require 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 amending the bill as provided in subsection I.B., below.

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 against MKSOA in its capacity as the fee owner, lessor, or lessee, and other State agencies related to "the physical, environmental, soil, economic, and legal conditions" of the Mauna Kea lands. Page 6, line 12, through page 7, line 3. We would like to clarify and confirm that it is the Legislature's intent to extinguish those future claims, because this wording 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. For example, neither the State nor MKSOA will be subject to tort liability; if a visitor injures themselves while hiking, they will be barred from suing the state and MKSOA or if the roads on Mauna Kea are not maintained and there is a car accident, neither MKSOA nor the State can be sued. As a result, the bill is a fundamental departure from the State's established liability framework that all branches of State government operate under.

If unchanged, 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)).

If it is the Legislature's intent to shield MKSOA from all existing claims or any claims that accrued prior to the transfer date, the Department recommends amending the bill as follows:

- Amending section 4(a), beginning with its second sentence, at page 6, line 10, through page 7, line 3, of the bill, as follows:

~~The Mauna Kea stewardship and oversight authority shall 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 Mauna Kea stewardship and oversight authority. 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.]~~ all claims that exist as of or accrue prior to said transfer date, shall not be transferred to the Mauna Kea stewardship and oversight authority.

- Amending section 4(b), beginning with its second sentence, at page 7, line 13, through page 8, line 6, of the bill as follows:

~~The Mauna Kea stewardship and oversight authority shall accept the lessee 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 Mauna Kea stewardship and oversight authority. 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, shall be released, waived, and extinguished.]~~ all claims that exist as of or accrue prior to said transfer date, shall not be transferred to the Mauna Kea stewardship and oversight authority.

II. Transfer of Conditional District Use Permits

Section 7 of the bill amends Act 255, section 7, including by adding subsections (e) and (f) at page 13, line 9, through page 15, line 21, 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, 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 lessee with management authority over the Mauna Kea lands. As the successor state agency with management authority over the relevant property, MKSOA would appear to be the most appropriate assignee of said CDUPs. 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. 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.

To address this concern, we recommend the deletion of section 5(2), the deletion of 7(e) and (f) from the amendments to Act 255, section 7, in section 7 of the bill, and amendment of other sections in the bill that reference that section, as follows:

- Deletion of section 5(2), at page 9, lines 10-15, of the bill. And renumbering of the subsequent paragraph in section 5.
- Amendment of section 4(b), at page 7, lines 4-13, of the bill as follows:
 - (b) In accordance with the intent of Act 255, Session Laws of Hawaii 2022, all interests to the parcels of land described in subsection (c), together with the existing improvements thereon for which the university of Hawaii holds as

lessee are conveyed by the university of Hawaii to the Mauna Kea stewardship and oversight authority as grantee, as is, where is, as a matter of law[; ~~provided that this conveyance shall not apply to the conservation district use permits transferred under section 7(e) and (f) of Act 255, Session laws of Hawaii 2022, as amended by part III of this Act~~].

- Deletion of section 7(e) and (f), at page 13, line 9, through page 15, line 21, of the bill.

III. Lease Extensions Prior to the Transfer

Section 14 of the bill amends section 195H-7(b), HRS, to permit MKSOA the power to extend existing leases and subleases before the transfer of powers and duties pertaining to Mauna Kea lands has been transferred to MKSOA.

MKSOA will neither be a party to the general lease or subleases until the expiration of the transition period, which the bill extends to December 1, 2029, unless otherwise agreed upon by the parties, nor would it have authority under chapter 171, HRS, to manage public lands. As such, any extension MKSOA grants to the general lease and subleases of Mauna Kea lands would be appropriately granted, executed, and effective, after the requisite transition period, once MKSOA becomes the "principal authority for the management of state-managed lands within the Mauna Kea lands" pursuant to section 195H-5(b)(1), HRS.

Accordingly, the Department recommends that the bill clarify that MKSOA's power to extend existing leases and subleases be limited to after the transition period, by amending section 14 of the bill to read as follows (suggested change indicated in **bold**):

SECTION 14. Section 195H-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Notwithstanding any law to the contrary, all powers and duties of the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, concerning permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands are transferred to the authority upon the expiration of the transition period; provided that the authority may extend existing leases and subleases before the transfer for up to an additional ten-year term; **provided further that any such extension shall only be effective upon the expiration of the transition period**; provided further that the transfer of such powers and duties from the board of land and natural resources and the land use commission may occur earlier, upon approval of the authority, the board of land and natural resources, and the land use commission. Upon the expiration of the transition period, the authority shall carry

out the powers and duties otherwise conferred upon the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, with regard to permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands."

Alternatively, if the intent is to ensure that MKSOA has the requisite powers to extend the existing leases and subleases prior to the expiration of the transition period, the Department recommends that the bill clarify that MKSOA has the explicit authority to do so, by amending section 14 of the bill to read as follows (suggested change indicated in **bold**):

SECTION 14. Section 195H-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Notwithstanding any law to the contrary, all powers and duties of the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, concerning permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands are transferred to the authority upon the expiration of the transition period; provided that the authority may extend existing leases and subleases before the transfer for up to an additional ten-year term; **provided further that the authority shall have all necessary powers and authorities to consider and grant lease extensions, before the transition period expires, and any extensions of existing leases and subleases shall be exempt from chapter 343, the term restrictions in section 171-36, and exceptions in sections 171-36.5 and 171-95.1;** provided further that the transfer of such powers and duties from the board of land and natural resources and the land use commission may occur earlier, upon approval of the authority, the board of land and natural resources, and the land use commission. Upon the expiration of the transition period, the authority shall carry out the powers and duties otherwise conferred upon the board of land and natural resources pursuant to chapter 171, and the land use commission pursuant to chapter 205, with regard to permits, dispositions, land use approvals, and any other approvals pertaining to the Mauna Kea lands."

We respectfully ask the Committee to consider the recommended amendments.

Thank you for the opportunity to testify on the bill.



UNIVERSITY OF HAWAII SYSTEM
‘ŌNAEHANA KULANUI O HAWAII

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

Testimony Presented Before the
Senate Committee on Judiciary
and

Senate Committee on Ways and Means
April 8, 2026 at 10:15 a.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 SD1 – RELATING TO THE MAUNA KEA STEWARDSHIP AND
OVERSIGHT AUTHORITY.

Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Moriwaki, and Members of the
Committees:

The University of Hawai‘i (University) respectfully submits comments related to HB 2592
HD2 SD1. 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). Even with the
latest amendments, this bill fails to address significant issues that are critical to the
transfer of stewardship and without which the State’s interest in astronomy will not be
sustained.

First, we wish to reiterate our comments in the November letter, including the concerns
regarding the on-going disinvestment in astronomy that is already underway at
Maunakea. We support the intent of the latest amendments to this bill (set forth in Part
VI) to create a pathway for the necessary lease extensions, given the otherwise
impending expiration of the University’s 65-year master lease with the Board of Land
and Natural Resources (BLNR) and all of the observatory subleases in 2033. However,

this leaves open the question for sublessees as to whether, and if so, when, their leasehold interests will be extended to allow continued operations beyond 2033 and what actions to take in the meantime. Without a clear path forward, 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).

Second, the extension of the transition date by an additional seventeen (17) months to December 1, 2029 creates additional uncertainty for all of the sublessees and users on Maunakea and eliminates any hope for continued investment in astronomy on Maunakea. Additional transition time without the inclusion of meaningful milestones for all parties, including the University, BLNR, and MKSOA, leaves all parties in limbo, with no visibility as to the path forward. There must be fair and objective methods to evaluate timely progress leading up to the transition date, 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. Milestones will assist with transparency around decision making and trust-building among the many interested stakeholders caring for the mauna.

Third, the proposed reversion date of December 1, 2032 is too late. There will not be enough time to negotiate land rights prior to lease expiration in 2033 nor will there be time to rebuild the long-term relationships with the multi-governmental entities, other private entities and partners as well as the community members who may feel that their needs have been delayed or ignored.

Fourth, 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 II, Section 7 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 DLNR 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, and with testimony from the Department of the Attorney General that MKSOA would be the most appropriate assignee of said CDUPs, as the governmental entity with management control over the land¹. We support removing Sections 7(e) and (f) and

¹ See Testimony dated March 25, 2026 for HB 2592, HD2. Also, 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.

related references requiring the transfer of CDUPs, as recommended in the testimony submitted by the Department of the Attorney General.

Lastly, 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)



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'ohökü 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)¹.

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.

¹ 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 24th 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 2033².

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 likely³. 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 place⁴, 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.⁵

² 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.

³ 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.

⁴ 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.

⁵ 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

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,



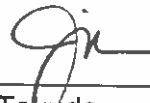
Brian Schatz
U.S. Senator for the State of Hawai'i



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



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



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



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

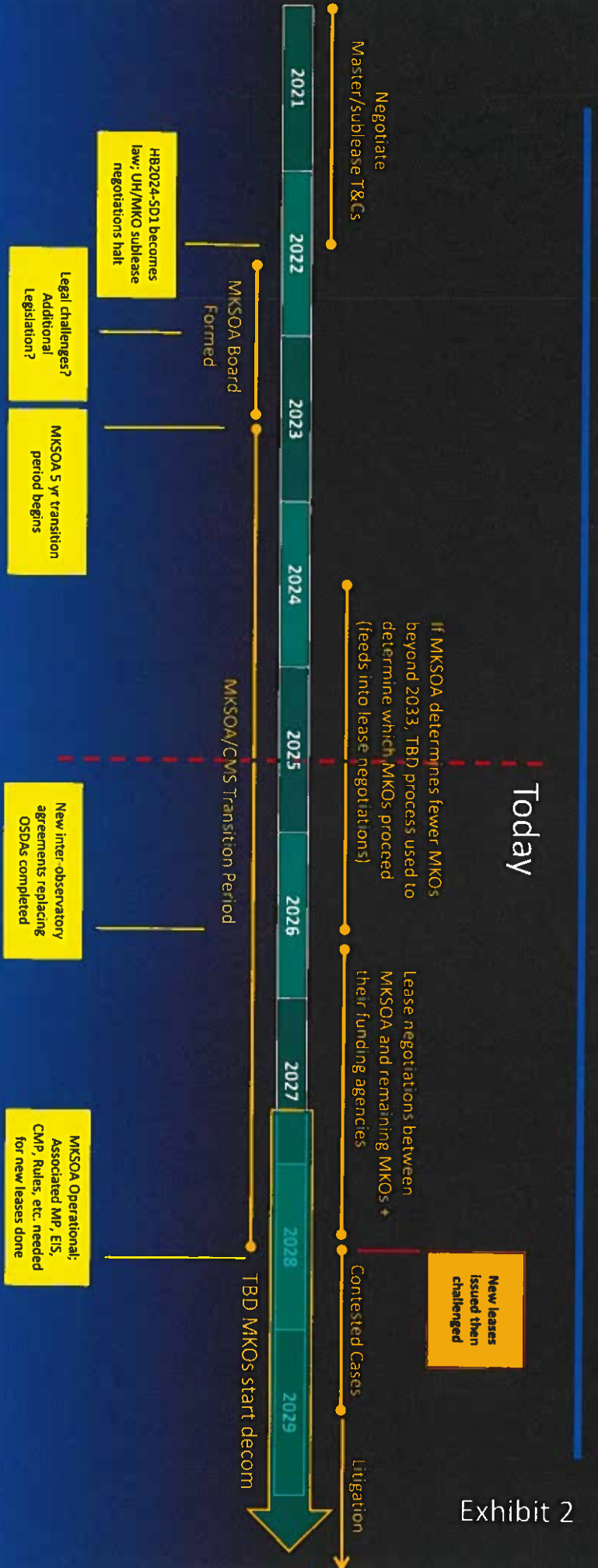


Exhibit 2



Hawai'i Island Chamber of Commerce

1321 Kino'ole Street - Hilo, Hawai'i 96720

Phone (808) 935-7178 - Fax (808) 961-4435 - Email exec@hicc.biz - www.hicc.biz

Executive Officer

Carla Kuo

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Sharon Y. Moriwaki, Vice Chair

2025-2026

Board of Directors

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

President

David Kurohara

Wednesday, April 8, 2026 at 10:15 AM

President-Elect

Dennis Lin

RE: HB 2592 HD2 SD1 Relating to the Mauna Kea Stewardship and Oversight Authority - SUPPORT

Vice President

Bonnie Irwin

Aloha e Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

Treasurer

Joshua Vierra

On behalf of the Hawai'i Island Chamber of Commerce, representing more than 350 businesses and individual members primarily on the east side of Hawai'i Island, we respectfully submit testimony in support of HB2592 HD2 SD1, Relating to the Mauna Kea Stewardship and Oversight Authority (MKSOA).

Immediate Past

President

Keith Marrack

This measure provides important clarification of the roles, responsibilities, and authorities of MKSOA, ensuring it can effectively carry out its intended duties related to land use and stewardship on Maunakea. We believe these updates, including the transfer of certain property interests, extension of the transition timeline, and continuity of existing plans and rules helps to provide a clearer and more stable framework for long-term stewardship.

Directors

Mary Begier

Vanessa Carlson

Rebecca Choi

Jeremy Chong

Chelsey Chow

Mark Chun

Dean Fuke

Larisa Hamamoto

Dayna Kawazoe

Daniel Kea

Randy Kurohara

Geoli Ng

Matthew Pickett

James Staub

Jase Takeya

Nimr Tamimi

Jennifer Tobey

Joni Waltjen

Irene Yamanaka

Tracie Yoshimoto

We recognize Maunakea as a place of deep cultural and historical significance, while also acknowledging the important contributions of astronomy in advancing knowledge for future generations. The complexities surrounding land tenure and evolving land use decisions underscore the need for thoughtful, balanced governance.

The Chamber views this measure as a meaningful step toward community-informed, shared stewardship. We support the intent to ensure a responsible transition and ongoing management structure that reflects diverse perspectives and long-term sustainability.

We appreciate the opportunity to provide testimony and remain committed to constructive engagement in the MKSOA transition and planning process. Mahalo for the opportunity to testify.

Sincerely,

Carla Kuo
Executive Officer
Hawai'i Island Chamber of Commerce

April 7, 2026

RE: **Support** for HB 2592 HD2 SD1 Relating to Mauna Kea Stewardship and Oversight Authority.

Dear Chair Dela Cruz, Vice Chair Moriwaki, and the Senate Committee on Ways and Means, and Chair Rhoads, Vice Chair Gabbard, and the Senate Committee on Judiciary,

Founded in 1968, the Kona-Kohala Chamber of Commerce works to enhance the quality of life for our community through a strong, sustainable economy on Hawai'i Island. With 460 member businesses and organizations, our mission is to provide leadership and advocacy for a successful business environment in West Hawai'i.

Our Chamber supports astronomy in Hawai'i as a formally established policy of the State of Hawai'i. We also recognize Maunakea's cultural significance and support responsible stewardship of its natural resources.

For over six decades, this industry has invested in research, infrastructure, education, and community partnerships in Hawai'i. Hawai'i's astronomy sector is internationally recognized for significant scientific discoveries, a deep commitment to education, and the development of a locally focused workforce pipeline. It also generates economic and community benefits to Hawai'i Island through high-quality jobs and partnerships with a broad network of local contractors and service providers.

The matter of the Maunakea observatory leases requires a timely resolution. Under current agreements, the observatories are legally obligated to complete facility decommissioning and full site restoration by December 31, 2033, unless new land authorizations are secured. Negotiating and executing these leases is a complex and time-consuming multinational process.

HB 2592 HD2 SD1 states that "the authority may extend existing leases and subleases before the transfer for up to an additional ten-year term." We understand this has been introduced and amended to move toward a solution. Therefore, we **support** HB 2592 HD2 SD1, relating to the Mauna Kea Stewardship and Oversight Authority.

Mahalo for this opportunity to testify.

Sincerely,



Wendy J. Laros, President and CEO
Kona-Kohala Chamber of Commerce



LATE

Testimony to the Senate Committees on
Ways and Means and Judiciary on
House Bill 2592 HD2 SD1
Relating to the Mauna Kea Stewardship & Oversight Authority
Wednesday, April 8, 2026, 10:15 a.m.

Aloha Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Members of the Committees,

The undersigned leaders of the Maunakea Observatories appreciate the opportunity to share our **support** of House Bill 2592 HD2 SD1 to clarify and strengthen the governance framework of the Mauna Kea Stewardship and Oversight Authority (MKSOA). We thank the introducers and the committees in the House and in the Senate who have previously heard this measure for their hard work and thoughtful consideration.

We support the current draft, particularly those provisions that help reduce uncertainty by providing for ample transition time (including the flexibility for MKSOA to consider short-term lease extensions should the need arise), and support regulatory continuity by maintaining existing management plans and administrative rules in the interim until MKSOA adopts new ones.

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 view the establishment of the MKSOA as an important and profound balancing of decision-making authority on Maunakea, and we 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 "Geoff Bower".

Geoff Bower, Director
East Asian Observatory

A handwritten signature in black ink, appearing to read "Jean-Gabriel 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 "Warren Skidmore".

Warren Skidmore, Deputy Director
NASA Infrared Telescope Facility

HB-2592-SD-1

Submitted on: 4/6/2026 4:17:06 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Douglas	Individual	Oppose	Written Testimony Only

Comments:

HB2592 SD1 isn't just a "technical refinement" it's a legal maneuver that puts Mauna Kea at risk by shielding the State from accountability, bypassing environmental protections, and undermining the Authority meant to safeguard the mauna.

This style of deceptive maneuvering should not be allowed in the process.

HB-2592-SD-1

Submitted on: 4/6/2026 4:17:42 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

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

Comments:

I submit this testimony in strong opposition to HB2592 HD2 SD1 on the grounds that the measure exceeds the Legislature’s constitutional authority, undermines fundamental principles of public trust law, and would significantly weaken Mauna Kea’s legal protections. Far from being a narrow or technical refinement, this bill restructures decision-making in a way that concentrates power, dismantles accountability safeguards, and exposes the State to profound legal and fiduciary risk.

HB2592 HD2 SD1 vests sweeping regulatory and decision-making authority in the Mauna Kea Stewardship and Oversight Authority over activities that affect culturally and ecologically sensitive public lands. By granting this body the power to control leases, permits, and land management decisions without meaningful review or oversight mechanisms, the Legislature is effectively authorizing the removal of checks that have historically ensured responsible governance of public trust resources. Hawai‘i’s public trust doctrine, as articulated by the Hawai‘i Supreme Court in *In re Water Use Permit Applications* (94 Hawai‘i 97, 2000), imposes on the State a fiduciary duty to manage trust lands with prudence, full accountability, and for the benefit of all beneficiaries, including Native Hawaiian communities and future generations. Consolidating decision-making without external accountability undermines both the spirit and the legal requirements of that doctrine.

The bill further erodes accountability by explicitly extending sovereign immunity to the Authority under HRS §26-35, removing a critical avenue for judicial review. The Hawai‘i Supreme Court has consistently recognized that sovereign immunity cannot be used to shield actions affecting core public trust interests. When a statute confers broad authority over public resources, but simultaneously insulates that authority from challenge, it invites constitutional conflict and judicial scrutiny. Moreover, requiring waivers or releases of liability as a condition of land transfer or authorization raises due process concerns under article I, section 5 of the Hawai‘i Constitution, which guarantees that no person shall be deprived of life, liberty, or property without due process of law. Reducing public recourse and legal accountability in matters affecting sacred lands and environmental integrity is inconsistent with established legal principles in Hawai‘i.

HB2592 HD2 SD1 also permits existing University of Hawai‘i master plans and administrative rules to remain in effect indefinitely, with no set deadline for review or replacement. Simultaneously, it authorizes extensions of existing leases for up to ten years before transition to full Authority control. These provisions preserve the status quo rather than facilitate meaningful

reform. They delay the implementation of governance models intended to honor Native Hawaiian cultural practices, protect fragile ecosystems, and balance astronomical interests. By failing to require a definitive timeline for replacing outdated policies, the bill frustrates the Legislature's own prior intent as reflected in Act 255 (2022) and subverts the purposeful transition envisioned to better protect Mauna Kea.

Hawai'i's public trust doctrine is not a discretionary policy preference; it is a judicially enforceable principle that obligates the State to preserve certain resources for public use and benefit. The Hawai'i Supreme Court has held that trust lands must be managed with the "highest order" fidelity, and that governmental decisions must weigh long-term protection over short-term interests. Matters of this magnitude—affecting sacred sites, historical and archaeological resources, and irreplaceable ecosystems—demand robust oversight and accountability. HB2592 HD2 SD1 weakens, rather than strengthens, the legal protections that the public trust doctrine requires for lands of extraordinary significance like Mauna Kea.

In summary, HB2592 HD2 SD1 is not a mere technical adjustment. It concentrates power without sufficient safeguards, erodes accountability by insulating decisions from review, entrenches outdated governance regimes, and poses significant conflicts with longstanding public trust obligations under Hawai'i law. Such a fundamental restructuring of governance should not proceed without careful deliberation of its legal consequences and constitutional vulnerabilities. Advancing this measure in its present form would jeopardize the State's fiduciary obligations, undermine public confidence, and risk costly litigation that could delay or disrupt stewardship outcomes for Mauna Kea. For these reasons, I respectfully urge the Legislature to reconsider and not advance HB2592 HD2 SD1.

HB-2592-SD-1

Submitted on: 4/6/2026 4:25:28 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chairs and committee members,

I submit this testimony in **strong opposition to HB2592 HD2 SD1**. While presented as a “technical refinement,” this measure represents an unprecedented **consolidation of authority** and a dramatic expansion of executive power over Mauna Kea—effectively **removing all meaningful checks and balances** from the governance of this sacred and ecologically fragile resource. By centralizing control over permits, leases, and management decisions in a single entity, the Legislature is authorizing **a level of unilateral power that exceeds its lawful authority** and risks undermining both public trust obligations and the rule of law in Hawai‘i.

This bill goes further, granting the Authority **sovereign immunity**, shielding it from legal challenge and eliminating essential avenues for public accountability. By doing so, the State is attempting to **legislate itself out of its constitutional duties**, insulating government actions from review and effectively allowing decisions that impact sacred lands, cultural resources, and sensitive ecosystems to occur without meaningful oversight. Courts in Hawai‘i have consistently held that the State cannot abdicate its obligations under the **public trust doctrine**, nor can it avoid compliance with environmental laws, due process protections, and procedural safeguards. HB2592 HD2 SD1 places the Legislature directly in conflict with these legal principles, exposing the State to both judicial invalidation and protracted litigation.

The bill also entrenches **legacy governance structures** by permitting University of Hawai‘i master plans and administrative rules to remain in effect indefinitely until “superseded” and by authorizing extensions of telescope leases and subleases for up to ten years before the transition is completed. These provisions **delay the full implementation of a stewardship framework grounded in Native Hawaiian cultural practices, environmental protection, and balanced astronomy development**, directly contradicting the legislative intent of Act 255 (2022) and undermining the Authority’s mandate to act as a true steward of Mauna Kea.

In short, HB2592 HD2 SD1 is **legislative overreach in its most extreme form**. It concentrates power, reduces transparency, and circumvents accountability on lands of extraordinary cultural, spiritual, and ecological significance. The Legislature’s duty is to protect these resources for current and future generations, not to create a framework that diminishes oversight, threatens sacred practices, and exposes the State to legal and financial liability. Advancing this bill would not only fail Mauna Kea and the Native Hawaiian community but would also set a dangerous precedent for public trust lands statewide.

For these reasons, I respectfully urge the Legislature to **pause, reconsider, and reject HB2592 HD2 SD1** before it permanently undermines oversight, accountability, and the sacred stewardship of Mauna Kea.

Cheryl Burghardt

Nuuanu Oahu

HB-2592-SD-1

Submitted on: 4/6/2026 4:49:49 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	Individual	Oppose	Written Testimony Only

Comments:

This bill exceeds legislative authority, erodes public accountability and undermines Hawaii's long standing legal and moral obligations to protect Mauna Kea.

Risks permanent harm to a site of profound cultural, spiritual and ecological significance.

HB-2592-SD-1

Submitted on: 4/6/2026 4:55:23 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Nani Brown	Individual	Oppose	Written Testimony Only

Comments:

This bill is an affront to kanaka o'iwi and further breaks trust and promises made by the State of Hawai'i to our people. The state **MUST** be transparent and accountable for all things of deep cultural significance including MAUNAKEA. **OPPOSE THIS BILL.**

HB-2592-SD-1

Submitted on: 4/6/2026 5:00:45 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Ann Harada	Individual	Oppose	Written Testimony Only

Comments:

I live in Kaneohe but have visited Mauna Kea and its most sacred site. This bill doesn't protect the mauna. I oppose passage of HB 2592.

Mahalo.

HB-2592-SD-1

Submitted on: 4/6/2026 5:28:01 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Kau'i Young	Individual	Oppose	Written Testimony Only

Comments:

Aloha e nā maka‘āinana a me nā kia‘i o Hawai‘i nei,

‘O wau ‘o Kau‘i Young and I vehemently oppose HB2592 HD2 SD1. This bill exceeds legislative authority, erodes public accountability, and undermines Hawaii's longstanding legal and moral obligations to protect Mauna Kea. Advancing this bill in its current form risks permanent harm to a site of profound cultural, spiritual, and ecological significance, and violates the State's duties under Hawaii Revised Statutes and established public trust principles. The Legislature must reconsider whether this measure aligns with the very stewardship it claims to advance.

Me ke aloha ‘Āina pau ‘ole,

Kau‘i Young

HB-2592-SD-1

Submitted on: 4/6/2026 9:08:40 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE HB2592 HD2 SD1

Dana Keawe

Moku O Keawe

HB-2592-SD-1

Submitted on: 4/6/2026 9:37:28 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Shaw	Individual	Oppose	Written Testimony Only

Comments:

Protect Mauna Kea Always!!! Follow the processes in place and hear the people when we say 'A'OLE TMT!

HB-2592-SD-1

Submitted on: 4/7/2026 9:12:45 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!!! LET'S MOVE IT FORWARD! MAHALO!

HB-2592-SD-1

Submitted on: 4/7/2026 9:28:42 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
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-SD-1

Submitted on: 4/7/2026 10:02:03 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Brianna Blackburn	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in strong opposition to HB2592. This bill is a venomous snake in disguise-- essentially creating a new avenue for the TMT project to be fast tracked by erasing historic community legal challenges upheld against TMT and the precedents created to protect Mauna Kea environmentally and culturally. This bill is an intentional maneuver to undermine the public supported movement to protect and limit further developments above a critical aquifer, a sacred cultural and spiritual site, and location of unique ecology. We have a legal and moral obligation to protect Mauna Kea, because as non-natives, we have a duty to the lahui who revere this sacred site and steward our 'aina.

HD2592 is deceptive and fails the public and the mauna in these ways:

1. Undermines the independence of the new Stewardship Authority by reverting management back to UH by Dec,1 2032 if milestones are not met on timeline.
2. Disregards the years of legal precedence created through challenges brought by the public to hold the state accountable for environmental damages.
3. In turn, the bill saddles the new Stewardship Authority with an "as is" land condition stipulation which would mean clean-up and costs are the theirs to bear (letting the state off the hook for ownership of their mistakes). Importantly, by saddling the Stewardship Authority with this burden of kuleana, we are setting them up for potential failure to meet the timeline deadline set in bullet point 1.
4. Again undermines the Stewardship Authority's power and role by authorizing lease extensions for telescopes another decade before the transition of ownership to the new Authority.
5. Removes checks and balances by granting immunity to the new board making it harder for the public and the lahui to hold these powers accountable and further concentrating power that weakens independent oversight.

HB2592 is a snakey legal maneuver to shield the state from accountability desecration, allowing the bypassing of environmental protections, and undermines the Authority created to safeguard the mauna. This is a direct affront to the people of Hawai'i that favors the entities who have a vested interest in TMT development.

Mauna Kea is a profound spiritual, cultural, and ecological site. I beg you to please listen to the lahui! Time in memorium that kanaka have to show up to fight the same battles to preserve our islands. The public and kia'i have constantly drawn the red lines and sounded the alarms on risky and immoral developments across the islands that puts the liveability of our islands at risk. Each time a red line is crossed, we drive further into a future where our endemic fauna and flora are extinct, our wai is poisoned, the health of our 'ohana is threatened, and the future of Hawai'i Nei is without aloha because we put money and development first. The state government cannot tout olelo and promote native hawaiian culture on one hand and then on another pass a bill like HB2592.

Mahalo nui for your time and consideration,

Brianna Blackburn, Kaimuki

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 10:40:08 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Blum	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose this bill because I believe it is a legal maneuver that puts Mauna Kea at risk and undermines the authority meant to safeguard it. I do not like the reversion clause, how it waives liability against the state, and authorizes lease extensions for telescopes.

Mahalo.

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 12:37:12 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Oppose	Written Testimony Only

Comments:

I stand in strong opposition to this bill

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 12:48:54 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Derrick Silva	Individual	Oppose	Written Testimony Only

Comments:

Please oppose, the bill attempts to absolve state liability.

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 1:13:51 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Lynn Nguyen	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Lynn, and I respectfully submit testimony in opposition to HB2592 HD2 SD1.

While I recognize the intent of this measure to clarify the powers and responsibilities of the Mauna Kea Stewardship and Oversight Authority, I have significant concerns about the broader implications of this bill and its potential impact on accountability, transparency, and community trust.

HB2592 proposes to transfer land interests and authority over Mauna Kea “as a matter of law,” while also releasing and extinguishing certain liabilities tied to those lands. This raises serious concerns about the removal of responsibility for past and future environmental, cultural, and legal impacts. The waiving of liability may limit recourse for harm and undermine public trust in stewardship decisions.

Additionally, the bill clarifies that the Authority would have state sovereign immunity. While this may streamline operations, it also reduces avenues for accountability and legal oversight—particularly concerning given the deep cultural, environmental, and historical significance of Mauna Kea.

Mauna Kea is not just a physical space—it is a sacred place central to Native Hawaiian identity, culture, and history. Any governance structure must prioritize meaningful community engagement, cultural stewardship, and transparency. However, this bill appears to consolidate authority without sufficient safeguards to ensure that community voices—especially those of Native Hawaiians—remain central in decision-making processes.

I am also concerned that maintaining existing plans and rules until new ones are adopted could prolong systems that many community members have already expressed concerns about, rather than ensuring a timely transition to more equitable and culturally grounded management.

In a context where there has already been longstanding tension surrounding the stewardship of Mauna Kea, this bill risks deepening mistrust instead of fostering the collaborative and pono governance that was originally envisioned.

For these reasons, I respectfully urge you to defer or vote NO on HB2592 HD2 SD1 and instead prioritize approaches that center accountability, transparency, and genuine community partnership.

Mahalo for the opportunity to testify.

Respectfully,
Lynn

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 1:37:38 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Janelle Matsuura	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB2592 HD2 SD1 because it undermines the independence of the Stewardship Authority. It is also release the state of any type of liability for environmental or legal damage because all existing and future claims are "released, waived and extinguished." This leaves the new authority to take the land "as-is" leaving them to clean up the mess the State made while protecting them from past mistakes. I oppose that this bill will exempt permit transfers from Chapter 343 and authorize lease extensions for telescopes for another decade. Overall, this bill removes checks and balances-giving the new board immunity, which makes it harder for the public to hold them legally accountable. It also allows UH to remain indefinitely, elaying new oversight and keeping outdated governance in place wihtout timely review or accountability. We have seen time and time again where the state or military leasing from the state will destroy ‘āina and leave the people to suffer the consequences. The state should serve the people, not put in place bills that shield them from accountability and allow them to bypass environmental protections.

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 6:58:53 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Oppose	Written Testimony Only

Comments:

Aloha kākou,

I am writing in **strong opposition** to HB2592.

This bill seems like a lot of smoke and mirrors jargon—which would essentially undermine Mauna Kea Stewardship and Oversight Authority and continue to allow UH to continue stewarding Mauna Kea.

The bill also extinguishes liability by "releasing, waiving and extinguishing" for existing and future claims against the state for environmental and legal damage—also transferring the new Authority with the cleanup costs.

Further, this authorizes lease extensions on the Mauna for another decade before the transition takes place, and exempts permit transfers from an Environmental Impact Statement (Chapter 343).

This bill removes checks and balances by granting the board immunity, which makes it harder for the public to hold them legally accountable.

This bill also grants MKSOA control over land use and permitting by authorizing them "to own or hold real property and transfers as a matter of law certain real property interests in the Mauna Kea lands to MKSOA".

Please oppose this bill.

Mahalo for the time to comment.

Kaleiheana Stormcrow, Kapu'euhi

LATE

HB-2592-SD-1

Submitted on: 4/7/2026 8:01:20 PM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cox	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

My name is Jennifer Cox, I am a resident of Haiku Maui, and I oppose HB2592 HD2 SD1. As protectors of the mauna have shared, this bill exceeds legislative authority, erodes public accountability, and undermines the State's legal and moral obligation to protect Mauna Kea. Advancing this bill in its current form risks permanent harm to a site of profound cultural and ecological significance, and violates the State's duties under HRS and established public trust principles. Please oppose this bill.

Mahalo,

Jennifer Cox

96708

LATE

HB-2592-SD-1

Submitted on: 4/8/2026 12:00:00 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Mikela Wood	Individual	Oppose	Written Testimony Only

Comments:

I'm in strong opposition of this bill. I believe you must protect our island's resources, restore our ecosystems and respect Hawaii's sacred spaces.

Thank you for seeing my testimony in opposition.

Mahalo,

Mikela Wood

Hilo, Hawaii

LATE

HB-2592-SD-1

Submitted on: 4/8/2026 2:39:37 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Ekini Lindsey	Individual	Oppose	Written Testimony Only

Comments:

Opposition to HB2592

Aloha Chair, Vice Chair and Members of the Committee, my name is Ekini Lindsey. As a descendant of a long line of Paniolo ohana members with historical ties to Parker Ranch, I strongly object to HB2592. My Paniolo family's enduring connection to Mauna Kea, which dates back to the 19th century and involves traversing and working on the mountain by horse, compels me to advocate for its protection and the preservation of our legacy. Regrettably, HB2592 falls short of ensuring the cultural sanctity and spiritual significance of Mauna Kea. By restricting community participation and vesting authority in a non-representative body, the bill's stewardship model contradicts the principles of effective management that prioritize community partnership and cultural sensitivity. I respectfully urge the committee to consider deferring or rejecting HB2592. Mahalo nui for your time in such an urgent matter!

LATE

HB-2592-SD-1

Submitted on: 4/8/2026 2:53:19 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Tara Rojas	Individual	Oppose	Written Testimony Only

Comments:

I testify in **STRONG OPPOSITION** to HB2592 HD2 SD1.

This measure, while framed as clarification and transition, in effect **undermines the integrity, independence, and accountability** of the Mauna Kea Stewardship and Oversight Authority and perpetuates the same structural issues that have led to decades of conflict on Mauna Kea.

Let me be clear:

This bill does not resolve the problem.

It restructures it in a way that **protects the system, not the mauna.**

First, the bill **extends the transition timeline and introduces a reversion clause**, allowing control to revert if conditions are not met.

This creates instability and places the Authority in a position where it must operate under pressure to meet state-imposed timelines - rather than being grounded in long-term stewardship.

Second, the bill **maintains existing University of Hawai'i plans and administrative rules** until new ones are adopted.

This is significant.

Those are the same frameworks under which Mauna Kea has already been managed - frameworks that have allowed overdevelopment, cumulative impacts, and ongoing conflict.

Maintaining them continues the very conditions that necessitated the creation of a new Authority in the first place.

Third, the bill **authorizes the extension of leases and subleases for astronomical facilities for up to an additional ten years** before full transfer.

This locks in continued use and development under the existing system, further delaying any meaningful shift in governance and stewardship.

Fourth, the bill **transfers permits and interests as a matter of law and allows the Authority to hold property**, while at the same time granting it **state sovereign immunity**.

This raises serious concerns.

It concentrates power while limiting the ability of the public and the lāhui to hold decision-makers accountable through legal means.

Accountability is not optional - especially for a place as significant as Mauna Kea.

Finally, the structure of this bill risks placing the Authority in a position where it inherits **existing conditions, liabilities, and management burdens**, without fully addressing the responsibilities and impacts created under prior management.

That is not a clean transition.

That is a transfer of burden.

Mauna Kea is not just land.

It is a **sacred cultural landscape, an ecological system, and a place of ongoing stewardship and responsibility**.

Any governance structure must reflect that reality - not continue a model that prioritizes continuity of development, lease extensions, and institutional protection.

This bill:

- Extends existing control structures
- Allows continued lease activity before transition
- Maintains prior rules that enabled current conditions
- Limits accountability through sovereign immunity
- Creates instability through reversion provisions

Taken together, this does not represent a true shift in stewardship.

It represents **continuation under a different name**.

For these reasons, I respectfully urge you to **OPPOSE HB2592 HD2 SD1**.

Mahalo for the opportunity to testify.

LATE

HB-2592-SD-1

Submitted on: 4/8/2026 7:45:30 AM

Testimony for JDC on 4/8/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cole	Individual	Oppose	Written Testimony Only

Comments:

HB2592 exceeds legislative authority, erodes public accountability, and undermines Hawaii's long standing legal and moral obligations to protect Mauna Kea. Advancing this bill in its current form risks permanent harm to a site of profound cultural, spiritual, and ecological significance, and violates the State's duties under Hawaii's revised statutes and established public trust principles. The Legislature must reconsider whether this measure aligns with the very stewardship it claims to advance.