

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

SYLVIA LUKE  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
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  
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RYAN K.P. KANAKA'OLE  
FIRST DEPUTY  
CIARA W.K. KAHAHANE  
DEPUTY DIRECTOR - WATER  
AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
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ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

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

Before the House Committee on  
JUDICIARY & HAWAIIAN AFFAIRS

Thursday, February 26, 2026  
2:00 PM  
State Capitol, Conference Room 325

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

House Bill 2592, House Draft 1 seeks to clarify the intent of Act 225, Session Laws of Hawai'i 2022, by explicitly declaring 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) supports the intent of the bill and offers the following comments.**

The Department is in support of MKSOA receiving the real property interests to the lands specifically identified in House Draft 1 and appreciates the conveyance via operation of law which reduces the Department's workload.

The Department does not believe that the CDUPs need to be transferred from UH to the astronomical observatories. CDUPs issued by the Board of Land and Natural Resources (Board) or the Department essentially act as covenants that run with the land and remain enforceable regardless of changes in ownership.

In practice, dispositions issued by the Board and implemented by the Land Division, that also involve a CDUP, include language in which the burden of permit compliance is placed on the tenant. In cases such as these, should the Office of Conservation and Coastal Lands enforce on the "landowner" due to non-compliance, the Land Division would hold the tenant accountable in addition to potentially finding them in default of their disposition.

Pursuant to Hawaii Revised Statutes (HRS) Chapter 195H, MKSOA essentially replaces the Board and inherits its responsibilities and duties relating to Mauna Kea lands pursuant to HRS Chapter 171. As such, subleases inherited by MKSOA already require sublessees to comply with all applicable permit conditions.

Mahalo for the opportunity to comment on this measure.

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 NOE WONG-WILSON

\*ex-officio

## MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

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Telephone (808) 272-0259

Website: <http://dlnr.hawaii.gov/maunakea-authority/>

### TESTIMONY OF THE MAUNA KEA STEWARDSHIP OVERSIGHT AUTHORITY BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS February 26, 2026 2:00 P.M. State Capitol, Room 325

#### SUPPORT FOR FOR H.B. 2592, HD1 RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

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

My name is John De Fries, I am the Executive Director of the Mauna Kea Stewardship and Oversight Authority (MKSOA). Mahalo for the opportunity to testify in strong support of HB 2592, HD1, which provides necessary statutory clarification to enable the Authority to fully execute the responsibilities assigned 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 in statute is essential to ensure a smooth and legally sound transition. This measure strengthens the legal and administrative framework supporting that transition in four important ways:

1) Transfer of Real Property Interests: Transfers, as a matter of law, certain real property interests in the Mauna Kea lands to the Authority. Management responsibility must be accompanied by clearly defined property interests. Formalizing this transfer ensures accountability, operational clarity, and continuity in land administration.

2) Transfer of Conservation District Use Permits (CDUPs): The bill requires the University to transfer the astronomical observatory conservation district use permits directly to the observatories. This aligns permit responsibility with the entities operating under those permits and clarifies administrative relationships moving forward.

3) Continuity of Existing Plans and Rules: HB 2592, HD1 provides that existing plans and administrative rules adopted or developed by the University remain in effect until superseded by plans and rules adopted by MKSOA. This is a critical safeguard. It ensures there is no regulatory gap during the transition. Governance remains continuous and enforceable.

4) Sovereign Immunity: The bill clarifies that MKSOA has state sovereign immunity. As an administratively attached state agency performing governmental functions, parity with other state entities is appropriate and necessary to protect the State's interests.

The Authority is composed of volunteer board members tasked with standing up an entirely new state entity. It has advanced Act 255's mandate in deliberate and measurable ways. Governance systems, operational procedures, and staffing capacity have been built from the ground up while statutory deadlines continue to be met. This progress has been achieved despite limited administrative infrastructure and staffing support. Launching a new agency while managing a complex land management transition has required coordination, commitment, and ongoing community engagement.

Act 255 established a new governance model for Mauna Kea. HB 2592, HD1 ensures that the Authority has the clear legal authority, property interests, regulatory continuity, and state protections required to carry out that mandate.

For these reasons, I respectfully urge the Committee to pass HB 2592, HD1.

Mahalo for the opportunity to provide testimony.

John De Fries  
Executive Director, MKSOA



**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  
House Committee on Judiciary & Hawaiian Affairs  
February 26, 2026, at 2:00 p.m.

By  
Vassilis L. Syrmos, Interim Provost  
University of Hawai'i Manoa  
and  
Doug Simons, Director  
Institute for Astronomy  
and  
Gregory Chun, Executive Director  
Center for Maunakea Stewardship

**HB 2592 HD1 – RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT  
AUTHORITY**

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The University of Hawai'i (University) respectfully submits comments related to HB 2592 HD1. 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 University President Hensel and University Board of Regents Chair Gabe Lee to MKSOA Chair John Komeiji, which was copied to the Governor and others (please see letter attached).

We wish to reiterate our comments in that letter, including the concerns in light of 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 investment by astronomy partners, which funds critical management functions, including maintenance of access to the mauna for practitioners, the community and the public, will be lost. The loss of even one astronomy major project increases the cost burden for all those remaining, including the University and the State.

Unfortunately, as the attached letter identifies, this bill fails to advance progress in the extension of the master lease and subleases scheduled to expire in 2033 and does not provide the level of certainty required for continued investment in on-going projects.

Furthermore, the University 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 discussed at the University of Hawai'i Board of Regents' meeting on February 19, 2026, it is important to include a range of milestones that MKSOA needs to reach for the responsible transfer of stewardship of Maunakea lands on or before July 1, 2028. Setting clear, mutually agreed milestones will promote transparent decision making, and trust-building among the many interested stakeholders caring for the mauna.

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).

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. If the land goes to MKSOA, the landowner obligations under the CDUPs should as well, so that the landowner can enforce the CDUP conditions and obligations. Without the University holding the leases, it will have no ability to enforce any landowner obligations following the transition date, and negotiating with the observatories would only make sense if new subleases were also being negotiated between MKSOA and the observatories, which is not proposed under this bill.

Part IV allows for the continuance of the University master plan, management plan and administrative rules. The University largely supports this 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.

HB 2592 HD1 removes the provisions<sup>1</sup> regarding the transfer of HRS Chapter 183C (conservation district use) authority from BLNR to MKSOA. The University supports this deletion and defers to BLNR as to how best to ensure that the critical land use oversight responsibilities are managed following the transition period.

Thank you for the opportunity to provide testimony.

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<sup>1</sup> This proposal is referenced as "Part III" in our November 20 letter.



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)<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

**Exhibit 1**

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



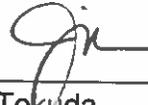
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Mazie Hirono  
U.S. Senator for the State of Hawai'i



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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

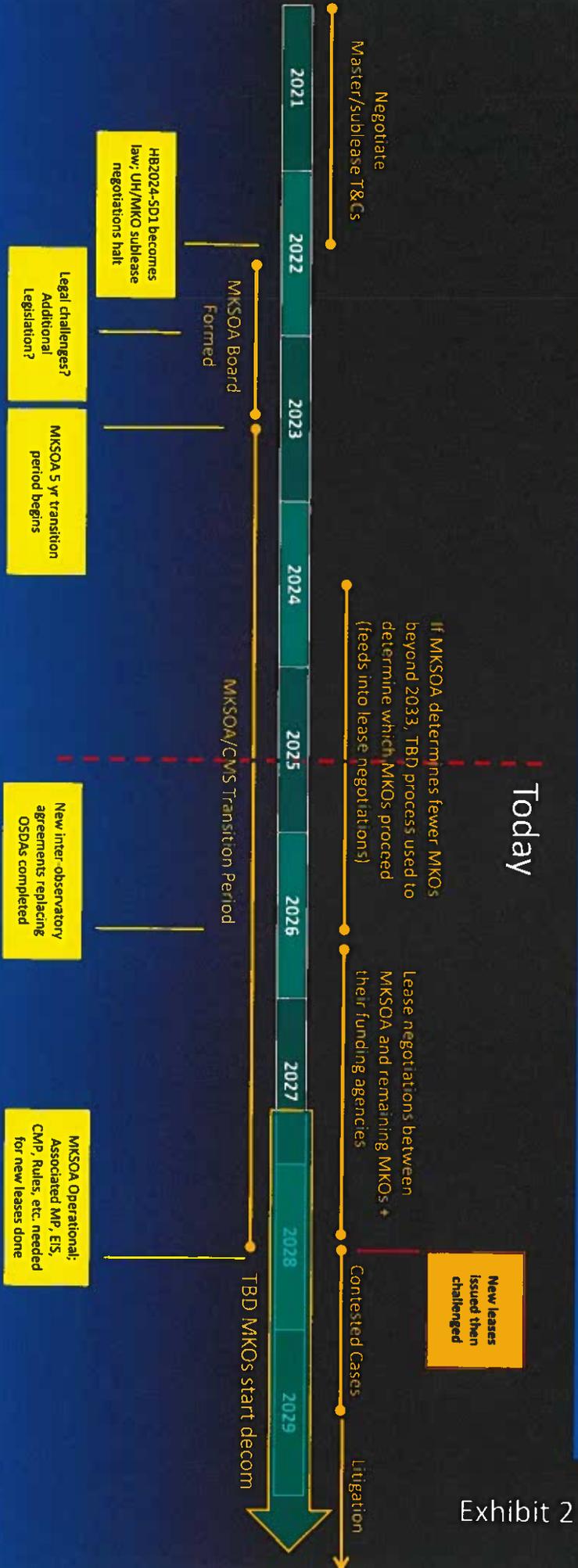


Exhibit 2



**TESTIMONY WITH COMMENTS ON HB2592 HD1**  
RELATING TO THE MAUNA KEA STEWARDSHIP  
AND OVERSIGHT AUTHORITY

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i  
(House Committee on Judiciary & Hawaiian Affairs)

Ke Kapitala ‘o Hawai‘i  
(Hawai‘i State Capitol)

Pepeluali 26, 2026

2:00 PM

Lumi 325

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Aloha e Chair Tarnas, Vice Chair Poepoe and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of Hawaiian Affairs (OHA) provides **COMMENTS** on **HB2592 HD1**, which clarifies the powers of the Mauna Kea Stewardship and Oversight Authority.

OHA acknowledges the Legislature’s intent to clarify governance authorities and responsibilities as the Mauna Kea Stewardship and Oversight Authority (MKSOA) approaches the end of its statutory transition period. OHA further recognizes the unique cultural, spiritual, environmental, and scientific significance of Mauna Kea, and the importance of governance structures that reflect balance, accountability, and kuleana.

However, OHA has concerns that several provisions of **HB2592, HD1** extend beyond technical clarification and raise important issues related to Public Land Trust obligations, environmental compliance, and accountability for the management of Mauna Kea lands.

Specifically, the measure declares that fee and lessor interests in Mauna Kea lands shall be transferred to the MKSOA “as a matter of law,” while simultaneously releasing and extinguishing all existing and future claims and liabilities related to the physical, environmental, legal, or economic condition of the underlying crown and government lands (Page 4, lines 1-15; page 5 lines 4-18).

This unconditional release of both present and future claims appears overly broad with respect to ensuring accountability for government mismanagement and potential pollution or desecration of these lands. Given that Native Hawaiians have never relinquished their claims to this land corpus, OHA has long sought to ensure that the state

does not alienate these lands, and that it also maintains these lands to ensure the corpus' viability and availability for the future lāhui, consistent with its constitutional and moral obligations.<sup>1</sup> Accordingly, OHA requests amendments that would clarify and ensure the state's continued legal duties with respect to the beneficiaries of the public lands trust, including those set forth in *Ching v. Case*, 145 Haw. 148 (2019).

OHA supports thoughtful stewardship reform for Mauna Kea that is consistent with constitutional trust duties and established legal principles. OHA respectfully comments on **HB2592 HD1** to ensure that technical changes do not inadvertently narrow or illegally limit any managing authority's duties with respect to public trust lands held.

Mahalo for the opportunity to provide comments on this measure.

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<sup>1</sup> Haw. Const. Art. XI Sec. 1; Haw Const. Art. XII Sec. 4; *Ching v. Case*, 145 Hawai'i 148 (2008)

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# A BILL FOR AN ACT

RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY.

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

1 PART I

2 SECTION 1. The legislature finds that refinements to the  
3 law that affirm the Mauna Kea stewardship and oversight  
4 authority's role and powers will ensure that management of Mauna  
5 Kea continues to embody a paradigm of balance and reciprocity  
6 that protects the mountain's sacred and ecological character,  
7 perpetuates Native Hawaiian traditional and customary rights,  
8 and supports Hawaii's global leadership in astronomy.

9 The legislature recognizes that Mauna Kea is a rare and  
10 extraordinary place that evokes profound cultural, spiritual,  
11 environmental, and scientific significance. The summit region  
12 encompasses fragile ecosystems, important historical and  
13 archaeological sites, and sacred landscapes interwoven into the  
14 fabric of Native Hawaiian identity. At the same time, Mauna  
15 Kea's unique topography and atmospheric conditions have made it  
16 the world's premier site for astronomical research, enabling



1 countless advancements in humanity's millennia-long yearning to  
2 comprehend the principles, origins, and evolution of the cosmos.

3 The legislature acknowledges that due to this confluence of  
4 significance, decades of tension have arisen over stewardship of  
5 the mauna. In 2022, the legislature established the Mauna Kea  
6 stewardship and oversight authority through Act 255, Session  
7 Laws of Hawaii 2022, to govern Mauna Kea in a more harmonious  
8 and collaborative manner by requiring that the governance be  
9 with mutual stewardship and balance as guiding principles. The  
10 legislature charged the authority to manage Mauna Kea through a  
11 mindset that honors and perpetuates Native Hawaiian cultural  
12 practices, safeguards natural resources, and allows for the  
13 responsible advancement of astronomy while maintaining the  
14 mountain's spiritual, cultural, and environmental integrity.  
15 The legislature believes that the governance provided by the  
16 Mauna Kea stewardship and oversight authority will bring about  
17 an era of mutually beneficial coexistence between all parties  
18 with interest in Mauna Kea.

19 The legislature further recognizes the need for continued  
20 refinement of the Mauna Kea stewardship and oversight  
21 authority's jurisdiction and responsibilities. Strengthened



1 guidance will ensure that the authority manages Mauna Kea with  
2 transparency, accountability, and respect through the bedrock  
3 values of mauna aloha, `ōpū kūpuna, holomua `oi kelakela,  
4 kānāwai, `ohana, and kuleana.

5 Accordingly, the purpose of this Act is to clarify the  
6 powers of the Mauna Kea stewardship and oversight authority so  
7 that it may properly carry out its responsibilities regarding  
8 land use on Mauna Kea.

9 PART II

10 SECTION 2. The purpose of this part is to clarify the  
11 intent of Act 255, Session Laws of Hawaii 2022, by explicitly  
12 declaring that the transfer of the real property interests in  
13 the lands of Mauna Kea to the Mauna Kea stewardship and  
14 oversight authority on July 1, 2028, shall occur as a matter of  
15 law.

16 SECTION 3. (a) In accordance with the intent of Act 255,  
17 Session Laws of Hawaii 2022, all interests to the parcels of  
18 land described in subsection (c), together with the existing  
19 improvements thereon for which the State of Hawaii holds as fee  
20 owner or lessor are conveyed by the State of Hawaii to the Mauna  
21 Kea stewardship and oversight authority as grantee, as is, where



1 is, as a matter of law. The Mauna Kea stewardship and oversight  
2 authority shall accept the fee and lessor interests in the  
3 properties in their existing condition; provided that any  
4 existing claims or liability that exists, may have existed, or  
5 may exist in the future regarding any injury, loss, cost,  
6 damage, or liability, including reasonable attorney's fees,  
7 concerning the physical, environmental, soil, economic, and  
8 legal conditions of the properties, shall not be transferred to  
9 the Mauna Kea stewardship and oversight authority. All claims  
10 and liabilities against the State and its agencies, if any, that  
11 exist, may have existed, or may exist in the future, regarding  
12 any injury, loss, cost, damage, or liability, including  
13 reasonable attorney's fees, concerning the physical,  
14 environmental, soil, economic, and legal conditions of the  
15 properties, are released, waived, and extinguished.

16 (b) In accordance with the intent of Act 255, Session Laws  
17 of Hawaii 2022, all interests to the parcels of land described  
18 in subsection (c), together with the existing improvements  
19 thereon for which the university of Hawaii holds as lessee are  
20 conveyed by the university of Hawaii to the Mauna Kea  
21 stewardship and oversight authority as grantee, as is, where is,



1 as a matter of law; provided that this conveyance shall not  
2 apply to the conservation district use permits transferred under  
3 section 7(e) and (f) of Act 255, Session Laws of Hawaii 2022, as  
4 amended by this Act. The Mauna Kea stewardship and oversight  
5 authority shall accept the lessee interests in the properties in  
6 their existing condition; provided that any existing claims or  
7 liability that exists, may have existed, or may exist in the  
8 future regarding any injury, loss, cost, damage, or liability,  
9 including reasonable attorney's fees, concerning the physical,  
10 environmental, soil, economic, and legal conditions of the  
11 properties, shall not be transferred to the Mauna Kea  
12 stewardship and oversight authority. All claims and liabilities  
13 against the State and its agencies, if any, that exist, may have  
14 existed, or may exist in the future, regarding any injury, loss,  
15 cost, damage, or liability, including reasonable attorney's  
16 fees, concerning the physical, environmental, soil, economic,  
17 and legal conditions of the properties, shall be released,  
18 waived, and extinguished.

19 (c) The parcels to be conveyed by the department of land  
20 and natural resources to the Mauna Kea stewardship and oversight  
21 authority shall be the following:



1 (1) Science reserve: Parcel no. 440150090000; and

2 (2) Hale Pohaku: Parcel no. 440150120000.

3 (d) The Mauna Kea stewardship and oversight authority  
4 shall have an easement for access and maintenance in the road  
5 easement, as described in General Lease 4697.

6 (e) As these are conveyances in which the State and its  
7 agencies are the only parties, the tax imposed by section 247-1,  
8 Hawaii Revised Statutes, shall not apply.

9 (f) As used in this section, "agency" has the same meaning  
10 as in section 37-62, Hawaii Revised Statutes.

11 PART III

12 SECTION 4. The purpose of this part is to require the  
13 university of Hawaii to negotiate for the transfer of the  
14 various astronomical observatory conservation district use  
15 permits to the applicable astronomical observatories so that  
16 when governance by the Mauna Kea stewardship and oversight  
17 authority begins, the authority will not be in conflict.

18 SECTION 5. Act 255, Session Laws of Hawaii 2022, is  
19 amended by amending section 7 to read as follows:

20 "SECTION 7. (a) On July 1, 2028, all rights, powers,  
21 functions, and duties of the [~~University~~] university of Hawaii



1 relating to the powers and responsibilities granted to the Mauna  
2 Kea stewardship and oversight authority under part I of this Act  
3 are transferred to the Mauna Kea stewardship and oversight  
4 authority.

5 (b) Notwithstanding the transfer of all rights, powers,  
6 functions, and duties pursuant to subsection (a), the state  
7 lease by and between the board of land and natural resources and  
8 the [~~University~~] university of Hawaii entered into on June 21,  
9 1968, as General Lease S-4191, as amended on September 21, 1999,  
10 as General Lease S-5529, shall remain in full force and effect  
11 until its expiration unless otherwise specifically amended  
12 pursuant to an agreement by the Mauna Kea stewardship and  
13 oversight authority and the [~~University~~] university of Hawaii.

14 (c) Upon the assignment of all rights, powers, and duties  
15 of the [~~University~~] university of Hawaii to the Mauna Kea  
16 stewardship and oversight authority pursuant to subsection (a),  
17 the university of Hawaii shall be released from any and all  
18 obligations under the state lease by and between the board of  
19 land and natural resources and the [~~University~~] university of  
20 Hawaii entered into on June 21, 1968, as General Lease S-4191,  
21 as amended on September 21, 1999, as General Lease S-5529, and



1 any conservation district use application permits appertaining  
2 thereto, unless otherwise specifically agreed upon pursuant to  
3 an agreement by the Mauna Kea stewardship and oversight  
4 authority and the [~~University~~] university of Hawaii; provided  
5 that the transfer and release authorized under this subsection  
6 shall not apply to any litigation pending on June 30, 2028,  
7 relating to General Lease S-4191, as amended on September 21,  
8 1999, as General Lease S-5529, or any conservation district use  
9 application permit appertaining thereto, to which the  
10 [~~University~~] university of Hawaii is a party.

11 (d) Notwithstanding subsection (b) or any action that is a  
12 consequence of this Act, including a merger of interests,  
13 effective July 1, 2028, every reference to the department of  
14 land and natural resources, board of land and natural resources,  
15 or the chairperson of the board of land and natural resources in  
16 those deeds, leases, subleases, contracts, loans, agreements,  
17 permits, or other documents relating to Mauna Kea lands shall be  
18 construed as a reference to the Mauna Kea stewardship and  
19 oversight authority or the chairperson of the authority, as  
20 appropriate; provided that all deeds, leases, subleases,  
21 contracts, loans, agreements, permits, or other documents



1 executed or entered into prior to the effective date of this  
2 Act, by or on behalf of the department of land and natural  
3 resources or the board of land and natural resources pursuant to  
4 the Hawaii Revised Statutes that are reenacted or made  
5 applicable to the Mauna Kea stewardship and oversight authority  
6 by this Act, shall remain in full force and effect until its  
7 expiration unless otherwise specifically amended pursuant to an  
8 agreement by the Mauna Kea stewardship and oversight authority  
9 and the [University] university of Hawaii.

10 (e) The university of Hawaii shall transfer the applicable  
11 conservation district use permit and its rights and obligations  
12 under the permit to each astronomical observatory, subject to  
13 terms approved by the president of the university of Hawaii and  
14 the receiving astronomical observatory; provided that, prior to  
15 the transfer required under this subsection, the university of  
16 Hawaii shall not amend the terms and conditions of any permit  
17 subject to this subsection. Since the terms and conditions of  
18 each conservation district use permit transferred pursuant to  
19 this subsection will not be amended, the transfer of any  
20 conservation district use permit that existed prior to the  
21 effective date of this Act to an astronomical observatory under



1 this subsection shall not be subject to any additional  
2 regulatory requirement, including any requirement under  
3 chapter 343, Hawaii Revised Statutes.

4 For purposes of this subsection, "applicable conservation  
5 district use permit" means the conservation district use permit  
6 in effect at the time of transfer, applicable to the receiving  
7 astronomical observatory, and to which the university of Hawaii  
8 is the named permittee or other named party.

9 (f) Notwithstanding subsections (a) through (d) to the  
10 contrary, the following conservation district use permits in  
11 effect as of July 1, 2028, for which the university of Hawaii  
12 has not completed the transfer under subsection (e), shall not  
13 be transferred to the Mauna Kea stewardship and oversight  
14 authority:

- 15 (1) Conservation district use permit 0954  
16 (Air Force Telescope, Planetary Patrol Telescope,  
17 2.2 Meter Telescope);  
18 (2) Conservation district use permit 1515  
19 (James Clerk Maxwell Telescope);  
20 (3) Conservation district use permit 0653  
21 (United Kingdom Infrared Telescope);



- 1        (4) Conservation district use permit 0527  
2                (Canada-France-Hawaii Telescope);
- 3        (5) Conservation district use permit 1492  
4                (Caltech Submillimeter Observatory);
- 5        (6) Conservation district use permit 2691 (Gemini North);
- 6        (7) Conservation district use permit 2462  
7                (Subaru Telescope);
- 8        (8) Conservation district use permit 2728  
9                (Submillimeter Array);
- 10       (9) Conservation district use permit 3568  
11               (Thirty Meter Telescope);
- 12       (10) Conservation district use permit 0653  
13               (Infrared Telescope Facility);
- 14       (11) Conservation district use permit 2174  
15               (Very Long Baseline Array);
- 16       (12) Conservation district use permit 1646  
17               (W. M. Keck Observatory I); and
- 18       (13) Conservation district use permit 2509  
19               (W. M. Keck Observatory II).

20       The university of Hawaii shall continue to serve as the named  
21       permittee or other named party as provided under the permit



1 until the permit is transferred to the appropriate astronomical  
2 observatory."

3 PART IV

4 SECTION 6. The legislature finds that the Mauna Kea  
5 stewardship and oversight authority is currently developing  
6 permanent and detailed master, management, and financial plans;  
7 frameworks for astronomy-related development; and administrative  
8 rules. These documents must be cultivated in a deliberate and  
9 mindful way. However, the legislature also recognizes that  
10 there is limited time before the end of the statutorily  
11 established five-year transition period, after which the Mauna  
12 Kea stewardship and oversight authority will assume full  
13 management of Mauna Kea. Due to these time constraints, the  
14 Mauna Kea stewardship and oversight authority's permanent plans  
15 and rules may not be formally adopted before the end of the  
16 transition period on July 1, 2028.

17 Accordingly, the purpose of this part is to clarify that  
18 the existing plans and administrative rules under which Mauna  
19 Kea is currently governed shall continue in full force and  
20 effect until a superseding master plan, management plan, or



1 administrative rules, or any portion thereof, adopted by the  
2 Mauna Kea stewardship and oversight authority, takes effect.

3 SECTION 7. (a) Notwithstanding section 195H-6(b)(2),  
4 Hawaii Revised Statutes, or any other law to the contrary, the  
5 existing master plan, management plan, and administrative rules  
6 adopted or developed by the university of Hawaii to implement  
7 provisions of the Hawaii Revised Statutes that are:

8 (1) Repealed by part IV of Act 255, Session Laws of Hawaii  
9 2022; or

10 (2) Otherwise reenacted or made applicable to the Mauna  
11 Kea stewardship and oversight authority by Act 255,  
12 Session Laws of Hawaii 2022,

13 shall remain in full force and effect, including times  
14 subsequent to July 1, 2028, until a superseding master plan,  
15 management plan, or administrative rules, or any portion  
16 thereof, adopted by the Mauna Kea stewardship and oversight  
17 authority, takes effect. The Mauna Kea stewardship and  
18 oversight authority, when adopting a superseding master plan,  
19 management plan, or administrative rule, or any portion thereof,  
20 shall affirmatively state through a public notice issued in



1 accordance with section 1-28.5, Hawaii Revised Statutes, which  
2 existing plan or rule, or portion thereof, is superseded.

3 (b) If the existing master plan, management plan, and  
4 administrative rules adopted or developed by the university of  
5 Hawaii remain in effect after July 1, 2028, every reference to  
6 the university of Hawaii, center for Mauna Kea stewardship,  
7 office of Maunakea management, board of regents, president of  
8 the university of Hawaii, or other similar term in the master  
9 plan, management plan, or administrative rule is amended to  
10 refer to the Mauna Kea stewardship and oversight authority,  
11 unless the context clearly requires otherwise.

12 PART V

13 SECTION 8. The legislature finds that the Mauna Kea  
14 stewardship and oversight authority, as an arm of the State,  
15 should have the same sovereign immunity available to other  
16 administratively attached state agencies.

17 Therefore, the purpose of this part is to clarify that the  
18 Mauna Kea stewardship and oversight authority falls under the  
19 State's sovereign immunity by explicitly making section  
20 26-35(b), Hawaii Revised Statutes, applicable to the authority.



1 SECTION 9. Section 195H-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

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

13 PART VI

14 SECTION 10. This Act does not affect rights and duties  
15 that matured, penalties that were incurred, and proceedings that  
16 were begun before its effective date.

17 SECTION 11. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 12. This Act shall take effect on July 1, 3000.



**Report Title:**

Mauna Kea; MKSOA; UH; Conservation District Use Permit; Transfer; Astronomical Observatories; Lease Transfer; Fee Transfer; BLNR; DLNR; Continuity of Plans and Administrative Rules; Sovereign Immunity

**Description:**

Clarifies the powers of the Mauna Kea Stewardship and Oversight Authority so that it may carry out its intended duties regarding land use on Mauna Kea. Part II: Transfers as a matter of law certain real property interests in the Mauna Kea lands to the Mauna Kea Stewardship and Oversight Authority. Part III: Requires the University of Hawaii to transfer the various Mauna Kea astronomical observatory conservation district use permits to the astronomical observatories. Part IV: Provides that the existing plans and administrative rules adopted or developed by the University of Hawaii under which Mauna Kea is currently governed remain in effect until plans and administrative rules adopted by the Mauna Kea Stewardship and Oversight Authority take effect. Part V: Clarifies that the Mauna Kea Stewardship and Oversight Authority has state sovereign immunity. Effective 7/1/3000. (HD1)

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



**HB-2592-HD-1**

Submitted on: 2/25/2026 1:36:13 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lauae kekahuna	'O maku'u ke kahua non profit	Oppose	Written Testimony Only

Comments:

oppose



Testimony to the Committee on Judiciary & Hawaiian Affairs on  
**House Bill 2592 HD1**  
**Relating to the Mauna Kea Stewardship & Oversight Authority**  
Thursday, February 26, 2026, 2:00 p.m.

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs,

The undersigned leaders of the Maunakea Observatories appreciate the opportunity to share our **support** of House Bill 2592 HD1 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 "JCuby".

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

A handwritten signature in black ink, appearing to read "JO'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



Aloha Chair and Members of the Committee,

My name is Maki Morinoue, and I am **strongly opposed to HB2592 HD1** as currently drafted.

This bill dangerously shields the State from accountability and bypasses core legal obligations under the Hawai'i State Constitution. By extinguishing claims related to land conditions and exempting transfers from environmental review, HB2592 HD1 undermines the public trust, weakens Native Hawaiian rights, and risks repeating the very harms that led to decades of conflict on Mauna Kea.

No law should erase accountability.

The clause that extinguishes claims against the State effectively wipes out legitimate concerns over land conditions, past mismanagement, and environmental harm. This is not reform—it is avoidance. I urge you to delete any provision that extinguishes claims against the State and to clearly affirm that sovereign immunity does not limit constitutional claims or Native Hawaiian rights.

Environmental review is not optional.

Striking Chapter 343 review before land transfer removes transparency, public participation, and science-based decision-making. On Mauna Kea—one of the most culturally and ecologically significant places in Hawai'i—this is unacceptable. I ask you to strike the Chapter 343 exemption, require full environmental review prior to any transfer, and mandate compliance verification to ensure conditions, impacts, and mitigation are properly addressed before action is taken.

Honor Act 255 and the Public Trust Doctrine.

HB2592 HD1 risks weakening Act 255's reforms by bypassing safeguards and diluting stewardship responsibilities. The bill must be amended to explicitly remain subject to the Hawai'i Constitution's public trust obligations, including the duty to protect natural and cultural resources for present and future generations.

Without these amendments, this bill invites renewed conflict, environmental damage, and cultural harm—while eroding trust and accountability. Mauna Kea deserves careful, lawful stewardship grounded in transparency, science, and respect for Native Hawaiian rights—not shortcuts.



I respectfully urge you to **amend HB2592 HD1** by:

- Deleting the clause that extinguishes claims against the State
- Striking the Chapter 343 environmental review exemption
- Requiring environmental review and compliance verification before transfer
- Clarifying that sovereign immunity does not bar constitutional or Native Hawaiian rights claims
- Explicitly affirming ongoing public trust obligations

Please do not advance this bill without these critical protections.

Mahalo nui loa for the opportunity to testify.

Maki Morinoue

HULI PAC, Hawai'i Island

**HB-2592-HD-1**

Submitted on: 2/25/2026 3:26:52 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Makani Gregg	Pohaku Pelemaka	Oppose	Written Testimony Only

Comments:

**E kūkū ana i ka pono o ka ‘āina — we speak for the land. Pōhaku Pelemaka is a 501(c)(3) Native Hawaiian nonprofit organization rooted in the coastal communities of Puna, Hawai‘i Island. We submit this testimony in strong opposition to HB2592 HD1.**

**This bill would transfer real property interests and Conservation District Use Permits to MKSOA, keep UH's existing plans and rules in effect until MKSOA's rules take effect, and most alarmingly grant MKSOA state sovereign immunity. We oppose this bill on three fundamental grounds.**

**First, granting sovereign immunity to MKSOA removes a critical accountability mechanism for an authority that has yet to fully earn the trust of the Native Hawaiian community. OHA has noted that MKSOA was designed, in effect, to take liability away from the State and UH and place it in an entity that may not be able to live up to its fiduciary obligations to the beneficiaries of the ceded lands trust. Sovereign immunity would further insulate MKSOA from legal accountability precisely when accountability is most needed.**

**Second, transferring property interests and CDUPs before MKSOA has completed its community engagement process and established its own rules is premature. MKSOA itself has pushed back on pressure to move quickly, recognizing that the community must guide decision-making first. The Legislature should not short-circuit that process by legislating transfers and continuity of UH's discredited plans before kānaka have had a meaningful say.**

**Third, keeping UH's plans in effect until MKSOA rules are adopted perpetuates a failed management framework. State audits spanning decades have documented UH's mismanagement of Mauna Kea from observatories leaving trash and abandoned equipment at the summit, to sewage overflows, to subleases that provided virtually no accountability or stewardship requirements. UH's track record does not deserve legislative continuity. We urge the committee to hold this bill. Mauna Kea is a sacred wahi pana and ceded land trust asset. Its management must be driven by the rights and voices of kānaka, not by the administrative convenience of the institutions that have already failed it. Mahalo.**

# KA LĀHUI HAWAI‘I

Testimony in Opposition to H.B. 2592, H.D.1  
Relating to the Mauna Kea Stewardship and Oversight Authority

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

On behalf of Ka Lāhui Hawai‘i, we respectfully submit testimony in opposition to H.B. 2592, H.D.1.

While presented as a clarification of Act 255, this bill weakens environmental oversight and public trust safeguards at a critical moment in the transition of Mauna Kea governance.

## 1. Extinguishes State Liability

Section 3 releases, waives, and extinguishes all claims against the State regarding the physical, environmental, and legal conditions of the properties

. This shields the State from accountability for past or ongoing harm on conservation and public trust lands.

## 2. Exempts Environmental Review

The bill exempts conservation district use permit (CDUP) transfers from Chapter 343 environmental review, removing transparency, disclosure, and public participation.

3. Transfers Permits Without Compliance Verification without requiring confirmation that permit conditions have been fully satisfied.

Mauna Kea is a public trust resource protected under the Hawai‘i Constitution. Any transfer of authority must strengthen — not weaken — accountability, environmental protections, and Native Hawaiian rights.

For these reasons, Ka Lāhui Hawai‘i respectfully urges you to oppose H.B. 2592, H.D.1 or amend it to remove the liability waiver, restore Chapter 343 review, require compliance verification, and explicitly reaffirm public trust and constitutional protections.

Mahalo for the opportunity to testify.

Healani Sonoda-Pale

On behalf of Ka Lāhui Hawai‘i

**HB-2592-HD-1**

Submitted on: 2/25/2026 7:41:17 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jim Albertini	Malu 'Aina Center for Non-violent Education & Action	Oppose	Written Testimony Only

Comments:

Our organization opposes HB2592 that provides the State no liability for actions on Mauna Kea and by passes environmental review.

Jim Albertini, president of Malu 'Aina

**HB-2592-HD-1**

Submitted on: 2/25/2026 8:35:56 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cynthia luafalemana	ohanamauna	Oppose	Written Testimony Only

Comments:

Mahalo Nui,

First of all I would like to thank our Lord Jesus Christ for the bounties of life. The land and the ocean is the most vital resources in Hawaii. This is why scientists, the military, and businesses want to steal and desecrate our beautiful land and water.

From the sayings of the 4 sisters of the Naki -Kalauli- Kaawa where their ancestors resided on both on Molokai and Hawaii Island "This is God's land and water first - you cannot eat and drink telescopes or bombs!! God provides all our daily needs!"

Knowing this, the opposition of exploiting our land and waters for the military and scientific purposes is not right for the future and for today.

Aloha, Cynthia Luafalemana



**Rep. David A. Tarnas, Chair**  
**Rep. Mahina Poepoe, Vice Chair**

Committee on Judiciary & Hawaiian Affairs

Thursday, February 26, 2026

2:00PM Conference Room 325

HB 2592 HD1 - Clarifying Powers of the Mauna Kea Stewardship and Oversight Authority - Opposition

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

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 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.

### 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

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

**HB-2592-HD-1**

Submitted on: 2/24/2026 3:50:23 PM

Testimony for JHA on 2/26/2026 2:00:00 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 Hawaii. 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 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-1**

Submitted on: 2/25/2026 9:25:45 AM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I respectfully request that HB2592 HD1 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 may be appropriate, the current language raises serious concerns regarding liability extinguishment, environmental review exemptions, and long-term accountability on public trust lands.

To preserve legal integrity and constitutional duties, I submit the following possible revisions:

**Current (Part II, Section 3(a) & 3(b), Pages 3–4)**

“All claims and liabilities against the State and its agencies,....”

**Revision that would ensure environmental laws, enforcement mechanisms, and public trust duties remain intact:**

The conveyance of property interests pursuant to this section shall not transfer to the Mauna Kea Stewardship and Oversight Authority liability for environmental conditions that arose prior to the effective date of transfer; provided that nothing in this section shall be construed to release, waive, or extinguish any existing or future claim, enforcement action, or cause of action against the State or its agencies under applicable environmental or public trust laws.

**Current (Part II, Section 3(b), Pages 4-5)**

**Revision to preserve environmental review requirements, maintain public trust obligations, ensure compliance with CDUP and state land laws, and require due diligence:**

Prior to the effective date of transfer, the State and the University of Hawai‘i shall conduct appropriate environmental due diligence, including but not limited to review of environmental conditions, compliance with conservation district requirements under Chapter 183C, Hawai‘i Revised Statutes, and any applicable obligations under Chapter 343, Hawai‘i Revised Statutes.

The transfer shall not be construed to waive, limit, or supersede any statutory or constitutional obligation relating to environmental protection, public trust resources, cultural practices, or natural resource stewardship.

**Current page 9-10 Part III section 7(e)**

**Revision that would remove the blanket exemption, ensures compliance with environmental statutes and preserves public trust oversight:**

Any transfer conducted pursuant to this subsection shall comply with all applicable federal, state, and county laws, including but not limited to Chapter 343, Hawai‘i Revised Statutes, and all rules adopted thereunder.

Nothing in this subsection shall be construed to exempt any transfer, amendment, modification, or continuation of a conservation district use permit from environmental review requirements or other regulatory approvals otherwise required by law.

The lands conveyed pursuant to this section shall continue to be held subject to the public trust doctrine and the State’s fiduciary obligations under Article XI of the Hawai‘i Constitution.

**Current Part III, (f) Pages 10–11**

**Revision to ensure regulatory compliance under Chapter 183C (Conservation District) and Chapter 343 (HEPA) and ensure public trust obligations are explicitly preserved:**

Notwithstanding subsections (a) through (d), any conservation district use permits in effect as of July 1, 2028, for which the University of Hawaii has not completed the transfer under subsection (e) shall remain under the University's name only for administrative purposes, subject to oversight and coordination with the Mauna Kea Stewardship and Oversight Authority and the Department of Land and Natural Resources (DLNR).

Prior to and during the transition of any conservation district use permit, the University, MKSOA, and DLNR shall jointly ensure:

1. "Full compliance with Chapter 183C, HEPA (Chapter 343), and other applicable environmental statutes."
2. "Clear allocation of responsibilities for permitting, environmental monitoring, enforcement, and reporting."
3. "Protection of public trust resources, including cultural, ecological, and water resources."

The University shall transfer each permit to the appropriate observatory or MKSOA as soon as practicable, and the transfer shall not release or waive any obligations under existing statutes or public trust duties.

**Current Part IV, Section 7 (Pages 13-14)....until a superseding master plan...**

**Revision to ensure public trust obligations, protection of natural resources and cultural sites, and ensure fiduciary and constitutional duties:**

In adopting any new or revised plans or rules, the Authority shall explicitly incorporate obligations arising from the public trust doctrine, including the protection of water, natural resources, ecological integrity, and cultural practices, in accordance with Article XI of the Hawai‘i Constitution and all applicable statutes.

**Current page 15 Section 9(a)**

**Revision clarifies that MKSOA has only the same immunity already provided under existing statutes with no new or enhanced protection.**

The authority shall have the same sovereign immunity as other state agencies under existing law, and nothing in this chapter shall be construed to expand, diminish, or alter that immunity.

Mahalo for your time

**HB-2592-HD-1**

Submitted on: 2/25/2026 9:46:54 AM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

Chair and Committee Members, aloha

I urge you to amend this bill to ensure that the transition of authority over Mauna Kea does not weaken environmental protections, public accountability, or the State’s constitutional obligations.

Mauna Kea is public trust land. Any transfer of control must clearly preserve the State’s continuing duties under Article XI of the Hawai‘i Constitution. The current language releasing and extinguishing claims against the State raises serious concerns. The bill should explicitly state that no existing or future environmental or public trust claims are waived, and that liability for past conditions is not erased.

Before any transfer takes effect, the State and the University of Hawai‘i should be required to conduct environmental due diligence and confirm compliance with Chapter 183C and Chapter 343. A change in governance should not bypass conservation district requirements or environmental review laws.

The provision exempting conservation district use permit transfers from additional regulatory requirements, including Chapter 343, should be removed. Any transfer of permits on conservation land must comply with all applicable environmental statutes and remain subject to oversight. Exemptions undermine transparency and public participation.

During any transition period, responsibility for permitting, monitoring, enforcement, and reporting must be clearly defined and coordinated with the Department of Land and Natural Resources. No permit transfer should release statutory or public trust obligations.

Finally, the bill should clarify that the Authority has only the same sovereign immunity as other state agencies and that nothing in this chapter expands or alters that immunity.

These amendments do not prevent governance reform. They simply ensure that environmental laws remain intact, public trust duties are honored, and accountability is preserved.

I OPPOSE this bill until such time amendments are made.

Cheryl Burghardt

Nuuanu Oahu

**HB-2592-HD-1**

Submitted on: 2/25/2026 1:36:46 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

Aloha kākou,

My name is Nedi McKnight, and I am writing in strong support of kānaka māoli voices, cultural stewardship, and the sacredness of Mauna Kea. While I am not of Hawaiian ancestry, I believe that the future management of Mauna Kea must honor its spiritual, cultural, and ecological significance, and that the perspectives of the Lāhui must be central in all decision-making.

1. Protecting Mauna Kea’s Sacredness

Mauna Kea is a wahi kapu. A sacred mountain with deep cultural, spiritual, and environmental importance. Any governance decisions must prioritize its protection above administrative or scientific convenience. HB 2592 gives the Mauna Kea Stewardship and Oversight Authority broad powers, but it is critical that the Authority’s work upholds the mountain’s sacredness in practice, not just in principle. Without careful oversight, there is a risk that sacred sites could be compromised, fragile ecosystems disturbed, or cultural knowledge marginalized.

1. Meaningful Kānaka Māoli Involvement

The legislation transfers land interests and observatory permits to the Authority. It is vital that kānaka māoli voices guide these decisions, ensuring that cultural and spiritual considerations are honored alongside scientific use. Research and community reports have repeatedly shown that when kānaka māoli leadership is sidelined, sacred and ecological sites suffer, and tensions over stewardship persist. True stewardship requires consultation, participation, and respect for Lāhui knowledge and practices.

1. Accountability and Care for the ‘Āina

HB 2592 grants the Authority sovereign immunity and administrative control. While intended to streamline governance, the mountain’s fragile ecosystems and cultural sites require clear accountability measures. Studies of Mauna Kea’s summit region show that alpine ecosystems are extremely sensitive to disturbance, and that ongoing oversight is essential to prevent long-term damage. Protecting the well-being of Mauna Kea and surrounding ‘āina depends on respecting kānaka māoli cultural guidance and ensuring decisions are informed by both science and traditional knowledge.

## Conclusion

As an ally, I stand in solidarity with the Lāhui and kānaka māoli leaders who have emphasized the sacredness and ecological fragility of Mauna Kea. Mauna Kea is not just land or a site for research. It is a sacred place that connects Hawai‘i to its ancestors and the cosmos. It is essential that the Authority’s powers are exercised with deep respect for the mountain, its ecosystems, and its cultural significance.

Mahalo nui loa for your consideration,

Nedi McKnight,

Pa‘auilo ā Te Hiku o Te Ika, Aotearoa

**HB-2592-HD-1**

Submitted on: 2/25/2026 1:37:22 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lili'u Tomasello	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in opposition of HB2592, the bill relating to the Mauna Kea Stewardship and Oversight Authority.

If this bill passes, it will:

- Cease state liability by wiping out claims over land conditions.
- Exempt Chapter 343 review, which blocks environmental review of permit transfers.
- Forces CDUP transfers without compliance check or review of violations.
- Weakens public trust safeguards by reducing oversight of conservation lands.
- Grants the Authority with sovereign immunity protections.
- Creates a public concern.

To address these issues, I ask that you take out the clause that ends claims against the state and require environmental review before transfer; strike the 343 exemption; require compliance verification before transfer; add explicit public trust language; clarify that sovereign immunity does not limit constitutional or Native Hawaiian rights claims; and amend the bill to explicitly reaffirm that all transfers remain subject to the State's constitutional public trust obligations.

Sincerely,

Lili'u Tomasello

**HB-2592-HD-1**

Submitted on: 2/25/2026 1:57:05 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

Do not bypass environmental review on Mauna Kea. Follow the law and do things pono

**HB-2592-HD-1**

Submitted on: 2/25/2026 2:03:39 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

This bill is yet another walking disaster regarding the care for MaunaKea. Anything that relieves the state of liability (unless it's landback to lineal descendants = demilitarization) and bypasses ENVIRONMENTAL review is corrupt and should not be supported. I'm aware amendments are being requested and the amount needed to make it reasonable is too much, completely rewriting the bill must also be considered. Poor laws beget poor outcomes

**HB-2592-HD-1**

Submitted on: 2/25/2026 2:12:30 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

**STRONG SUPPORT HB2592 HD1**

**Dana Keawe**

**Moku O Keawe**

**HB-2592-HD-1**

Submitted on: 2/25/2026 3:17:02 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaylene Sheldon	Individual	Oppose	Written Testimony Only

Comments:

February 25, 2026

Aloha e Committee On Judiciary & Hawaiian Affairs:

Opposition To HB2592 HD1

Rep. David A. Tarnas, Chair, Rep. Mahina Poepoe, Vice Chair, Rep. Della Au Bellati, Rep. Jackson D. Sayama, Rep. Elle Cochran, Rep. Gregg Takayama, Rep. Mark J. Hashem, Rep. Diamond Garcia, Rep. Kirstin Kahaloa, Rep. Garner M. Shimizu.

Aloha kakou,

My name is Kauwila Sheldon, and I am writing to express my **strenuous opposition** to HB2592 HD1. As currently drafted, this measure undermines the state's fiduciary duties and compromises the environmental integrity of Mauna Kea through several alarming provisions.

I urge the committee to consider the following amendments to ensure transparency and accountability:

- **Removal of Liability Shields:** Please strike the clause that seeks to extinguish claims against the State. Shielding the State from liability effectively absolves the government of its responsibility for past and future mismanagement.
- **Restoration of Chapter 343 Compliance:** The current exemption from **HRS Chapter 343** review is unacceptable. This bypasses essential environmental oversight during the transfer process. I request that you strike the 343 exemption to ensure that environmental impacts are rigorously evaluated before any transfer occurs.
- **Requirement for Compliance Verification:** The bill currently mandates the transfer of Conservation District Use Permits (CDUP) without a prerequisite compliance check. I ask that the bill be amended to require a formal **verification of compliance** and a thorough review of any outstanding violations prior to any permit transfer.
- **Explicit Affirmation of Public Trust:** Sovereign immunity does not, and should not, supersede constitutional mandates or Native Hawaiian rights. I request that the bill explicitly reaffirm that all land transfers remain strictly subject to the **State's constitutional public trust obligations**.

True stewardship cannot be achieved through administrative shortcuts. By prioritizing "streamlined" transfers over environmental and cultural protections, this bill facilitates the continued desecration of sacred lands. I ask this committee to uphold its duty to the 'āina and the people by rejecting these exemptions.

Mahalo for your time and consideration.

Kaylene Kauwila Sheldon, Ka'a'awa, Hawaii

**HB-2592-HD-1**

Submitted on: 2/25/2026 3:51:39 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I Stand For Mauna Kea and oppose this bill- Mahalo

**HB-2592-HD-1**

Submitted on: 2/25/2026 4:08:40 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

No extensions should be granted. The entire intent of the structure is to allow for better governance of the land. Having remediated deals before transfer undermines the intent of the new structure. 100% oppose.

**HB-2592-HD-1**

Submitted on: 2/25/2026 5:00:57 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kapulei Flores	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am writing in opposition to HB2592 HD1 that would shield the state from liability and bypass environmental review on Mauna Kea. I am requesting amendments to this bill if possible:

- 1) To delete the clause that extinguishes claims against the state and require environmental review before transfer.
- 2) Strike the 343 exemption.
- 3) Require compliance verification before transfer.
- 4) Add explicit public trust protection language.
- 5) Clarify that sovereign immunity does not limit constitutional or Native Hawaiian rights claims.
- 6) Amend the bill to explicitly reaffirm that all transfers remain subject to the state's constitutional public trust obligations.

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

Mahalo, Kapulei

**HB-2592-HD-1**

Submitted on: 2/25/2026 5:47:53 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Summer P Noland	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

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

Mahalo

**HB-2592-HD-1**

Submitted on: 2/25/2026 6:05:48 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I am opposed to HB2592 HD1.

Claud Sutcliffe, PhD

PO Box 143, Volcano Hawai'i 96785

**HB-2592-HD-1**

Submitted on: 2/25/2026 6:21:30 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

**OPPOSE**

**HB-2592-HD-1**

Submitted on: 2/25/2026 6:54:34 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie K Akana	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe and members of the committee,

My name is Lali Akana and I am strongly opposed to HB2592 HD1.

This bill is another way for the state to shamelessly shield itself from liability of their own negligence and bypass environmental review on Mauna Kea. Even the state must be held accountable for what they do and don't do that affects the land and people of Hawai'i. As a resident of Hawai'i I feel more transparency is required on the current condition of Mauna Kea. This bill has a clause that would remove claims against the state that involve conditions of the land and it's irresponsible. Therefore Chapter 343 which blocks environmental review of permit transfer should be removed from the bill. Forcing CDUP transfers without any compliance checks or review of violations leads me to think there is something being hidden from the public.

I am requesting that an environmental review and compliance verification be conducted before transfer of permit. This kind of legislation weakens public trust of this committee and entire legislative branch of Hawai'i. Reducing oversight of conservation lands after there has been years of blatant misuse and damage of these lands is not the direction your committee should be going. You work for the people of Hawai'i, please do so in our best interests, not your own. Sovereign immunity protection does not limit constitutional or Native Hawaiian rights claims. Please amend the bill to explicitly reaffirm that all transfers remain subject to the State's constitutional public trust obligations.

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. So much damage has already been done. Do what is pono for Mauna Kea, the only such place in the world.

Mahalo,

Lali Kawehiokalani Akana

**HB-2592-HD-1**

Submitted on: 2/25/2026 7:22:11 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I oppose this bill

**HB-2592-HD-1**

Submitted on: 2/25/2026 7:37:59 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I Sierra Mcveigh oppose HB2592 and ask you do the same. This bill risks perpetuating historical conflicts, environmental damage and cultural harm while weakening Act 255's reforms and lacks a clear, unified framework for Mauna Kea stewardship. Please Oppose.

Sierra Mcveigh

**HB-2592-HD-1**

Submitted on: 2/25/2026 7:43:55 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

I oppose HB2592 HD1 because of how this bill shields the State from liability and bypasses environmental review and the requirement of each leaseholder to complete an environmental impact statement on Mauna Kea. The language of this bill risks perpetuating historical conflicts, environmental damage, and cultural harm, while weakening Act 255's reforms, and in turn perpetuates the lack of a clear unified framework for Mauna Kea Stewardship.

- I oppose it because this bill would extinguish State liability by wiping out claims over land conditions. I ask that that the clause that extinguishes claims against the State be deleted, and that an environmental review be required before transfer.
- I oppose because it exempts Chapter 343 review which blocks environmental review of permit transfers. I request that the 343 exemption be struck from this bill.
- I oppose because it forces Conservation District Use Permit transfers without compliance check or review of violations. I ask that compliance verification be required before transfer
- This bill weakens the public trust safeguard by reducing oversight of conservation lands. I ask that explicit public trust protection language be added.
- I oppose this bill because the Authority is granted sovereign immunity protections. I ask that it be clarified that sovereign immunity does not limit constitutional or Native Hawaiian rights claims.
- Finally, I oppose this bill due to the concern over loss of public trust. I ask that the draft bill be amended to explicitly reaffirm that all transfer remain subject to the State's constitutional public trust obligations.

**HB-2592-HD-1**

Submitted on: 2/25/2026 8:22:09 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

As a science teacher, hunter, and kia‘i mauna, I will always oppose any legislation that continues the use of the space on our Mauna for anything other than allowing the natural environment to heal. Our keiki need to be able to see what natural beauty these mauna hold and they cannot heal when they are constantly being desecrated. As a UH alum, I do not feel they have been good tenants of this space and do not deserve to have this lease renewed. They have not been honest and forthright with their environmental impact statements, they have not truly put the wishes of the people of Hawai‘i Island first. They are catering to a small few, with deeper pockets in the name of what? Trying to understand what is beyond our own planet? We should allow their lease to expire and turn the land over to those who can mālama our place.

Mahalo

Cindy Freitas

makainanqi@gmail.com

## **OPPOSE UNLESS AMENDED – H.B. 2592**

RELATING TO THE MAUNA KEA STEWARDSHIP AND OVERSIGHT AUTHORITY

He Mele komo a he mele aloha no na kupuna o ke au i hala Aloha mai kakou.

Aloha,

My name is Cindy Freitas and I'm a Native Hawaiian descended of the native inhabitants of Hawai'i prior to 1778 and born and raised in Hawai'i.

I am also a practitioner who still practice the cultural traditional customary practices that was instill in me by my grandparents at a young age from mauka (MOUNTAIN TO SEA) to makai in many areas.

I respectfully submit testimony **OPPOSING H.B. 2592 UNLESS AMENDED.**

H.B. 2592 expands and clarifies the authority of the Mauna Kea Stewardship and Oversight Authority (MKSOA), transfers land interests and permits by operation of law, continues legacy University of Hawai'i plans and rules, and grants sovereign immunity. While presented as technical clarification, the bill **expands authority and limits liability without adding essential safeguards, accountability, or review mechanisms.**

## **WHAT IS MISSING FROM H.B. 2592**

- **Environmental review triggers.** The bill transfers land interests and permits without requiring environmental assessment or evaluation of cumulative impacts under Chapter 343.
- **Deadlines to replace legacy plans.** Existing University of Hawai'i plans and rules remain in effect indefinitely, with no required timeline for MKSOA to adopt updated governance documents.
- **Standards for legacy plan adequacy.** There are no criteria requiring legacy plans to meet current environmental, cultural, safety, or climate standards.
- **Enforceable cultural protections.** While Native Hawaiian values are referenced, the bill provides no enforcement mechanisms, remedies, or dispute-resolution processes if protections are violated.
- **Public appeal or review rights.** Decisions affirmed or transferred by statute are not subject to appeal, contested case procedures, or independent review.
- **Transparency and reporting requirements.** The bill does not require regular public reporting, performance metrics, or disclosure of stewardship decisions.
- **Clear liability and remedy framework.** Sovereign immunity is expanded without clarifying responsibility or remedies if environmental, cultural, or public harms occur.

- **Independent oversight.** Authority is consolidated without external audits, oversight bodies, or checks and balances.
- **Sunset or legislative review.** The expanded powers and immunities are permanent, with no requirement for future legislative reassessment.

## **CONCLUSION**

H.B. 2592 significantly expands authority and legal protections while **omitting environmental review, enforceable cultural safeguards, transparency, appeal rights, oversight, and time limits.**

Stewardship of a public trust resource requires **accountability equal to authority.**

For these reasons, I **OPPOSE H.B. 2592 UNLESS AMENDED** to include clear safeguards, review mechanisms, and transparency requirements.

Mahalo,

Cindy Freitas

**HB-2592-HD-1**

Submitted on: 2/25/2026 9:55:22 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

Chair Tarnas, Vice Chair Poepoe and Members of the Committee,

I strongly object to HB2592, as it appears to absolve the state of liability for negligence and circumvent environmental assessments on Mauna Kea. The state ought to be held accountable for its actions and the subsequent impact on the land and inhabitants. I urge the committee to repeal Chapter 343, which impedes environmental evaluations of permit transfers and verification of compliance prior to transfers. This bill erodes public trust and increases the risk of historical disputes, environmental degradation, and cultural damage. I request amendments to affirm all transfers are subject to the State's constitutional obligations under the public trust doctrine, safeguarding constitutional rights and Hawaiian claims. I empower you to proceed with opposition!!

Thank you for your consideration!!

**HB-2592-HD-1**

Submitted on: 2/25/2026 10:47:24 PM

Testimony for JHA on 2/26/2026 2:00:00 PM

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

Comments:

As for this bill, please delete the clause that extinguishes claims against the State and require environmental review before transfer.

Also please strike the 343 exemption.

Require compliance verification before transfer.

Add explicit public trust protection language.

Clarify that sovereign immunity does not limit constitutional or Native Hawaiian rights claims.

Amend the bill to explicitly reaffirm that all transfers remain subject to the State's constitutional public trust obligations.

Mahalo.

**HB-2592-HD-1**

Submitted on: 2/26/2026 9:46:13 AM

Testimony for JHA on 2/26/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

**In Support with Comments**

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

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

I offer my strong support for the intent of H.B. 2592, H.D.1 and for the continued implementation of Act 255 (2022), which established a careful and historic pathway toward a new model of stewardship for Maunakea that honors its cultural, spiritual, environmental, and educational significance. A successful and well-prepared transition to the Mauna Kea Stewardship and Oversight Authority (MKSOA) by July 1, 2028 is in the interest of our lāhui and the broader community.

I also wish to acknowledge that both the MKSOA and the University of Hawai‘i have raised important and valid implementation considerations. Addressing these now will strengthen the transition, build public trust, and provide the operational certainty necessary for long-term stewardship, access, and responsible activities on the mauna.

In that spirit, I respectfully offer the following suggested amendments for your consideration:

- **Clarify the transfer of Conservation District Use Permit (CDUP) landowner obligations** so that these responsibilities align with the transfer of the lands to MKSOA, ensuring clear and enforceable management authority after the transition date.
- **Establish mutually agreed transition milestones and readiness reporting** for all relevant parties (MKSOA, UH, and BLNR/DLNR) to promote transparency, accountability, and timely preparation for July 1, 2028 and beyond.
- **Provide a clear pathway for lease and investment certainty** that will allow continued funding for stewardship operations, public access, and educational and cultural uses of the mauna while long-term management structures are finalized.
- **Further clarify the treatment of existing obligations and liabilities** so that the transfer of authority occurs in a fair, workable, and legally coherent manner.

These recommendations are offered not in opposition, but in strong support of the working groups and the shared goal of a smooth, conflict-free transition that reflects the intent of Act 255.

I respectfully encourage continued facilitated discussions among MKSOA, the University of Hawai'i, the Board of Land and Natural Resources/Department of Land and Natural Resources, and the Office of the Attorney General to produce aligned implementation language that will ensure long-term success. This is critical if MKSOA is to be successful in meeting the transition in 2028.

Mahalo for your leadership on this important matter and for your commitment to the future stewardship of Maunakea.

Me ka ha'aha'a,

**Leimomi Khan**

**HB-2592-HD-1**

Submitted on: 2/26/2026 9:52:22 AM

Testimony for JHA on 2/26/2026 2:00:00 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-1**

Submitted on: 2/26/2026 9:56:22 AM

Testimony for JHA on 2/26/2026 2:00:00 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-1**

Submitted on: 2/26/2026 3:03:49 PM

Testimony for JHA on 2/26/2026 2:00:00 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 respectfully submit testimony in **opposition to HB 2592**, relating to the Mauna Kea Stewardship and Oversight Authority.

Mauna Kea is not merely a resource to be managed—it is a sacred ancestor, a wahi pana of immense cultural, spiritual, and environmental significance to Native Hawaiians and to the people of Hawai‘i as a whole. Any governance structure affecting Mauna Kea must be rooted in genuine accountability, transparency, and meaningful community consent.

HB 2592 raises serious concerns regarding the concentration of authority and the potential erosion of public and Native Hawaiian oversight. The bill risks replicating past governance failures by prioritizing administrative control over true stewardship, while sidelining community voices that have long called for pono, ‘āina-based management grounded in cultural practice and responsibility.

Additionally, the proposed framework does not adequately address longstanding issues of trust, enforcement, and environmental protection. Without clear mechanisms for accountability and community-led decision-making, this bill may further entrench systems that have historically excluded those most connected to Mauna Kea.

Mauna Kea deserves stewardship that honors its sacredness, protects its fragile ecosystem, and respects the ‘ike and kuleana of Native Hawaiians—not a structure that could perpetuate imbalance and harm under the guise of reform.

For these reasons, I strongly urge the Committee to **oppose HB 2592** and to instead pursue a path that centers community leadership, cultural integrity, and true mālama ‘āina.

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