
A BILL FOR AN ACT

RELATING TO NATURAL RESOURCE MANAGEMENT.

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

1 SECTION 1. The legislature finds that the protection of
2 the State's natural resources is of paramount importance.
3 Pursuant to article XI, section 2, of the Hawaii State
4 Constitution, the legislature has the authority to "vest in one
5 or more executive boards or commissions powers for the
6 management of natural resources owned or controlled by the
7 State". Presently, the department of land and natural
8 resources, under the direction of the board of land and natural
9 resources, remains as the principal agency tasked with natural
10 resource management. However, other executive boards or
11 commissions may share overlapping responsibilities related to
12 natural resource management.

13 With the enactment of Act 255, Session Laws of Hawaii 2022
14 (Act 255), the legislature vested certain natural resource
15 management powers to the newly established Mauna Kea stewardship
16 and oversight authority for lands identified and defined as
17 "Mauna Kea lands" pursuant to Act 255. Following a five-year



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

14 Accordingly, the purpose of this Act is to clarify that all
15 powers and duties of the board of land and natural resources and
16 the department of land and natural resources pursuant to
17 chapters 183C and 171, Hawaii Revised Statutes, pertaining to
18 areas designated under the state conservation district on Mauna
19 Kea lands, will be retained and will not be transferred to the
20 Mauna Kea stewardship and oversight authority upon the
21 expiration of the five-year transition period.



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

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

- 5 (1) Maintain an accurate inventory of lands classified
6 within the state conservation district by the state
7 land use commission, pursuant to chapter 205;
- 8 (2) Identify and appropriately zone those lands classified
9 within the conservation district;
- 10 (3) Adopt rules, in compliance with chapter 91 which shall
11 have the force and effect of law;
- 12 (4) Set, charge, and collect reasonable fees in an amount
13 sufficient to defray the cost of processing
14 applications for zoning, use, and subdivision of
15 conservation lands;
- 16 (5) Establish categories of uses or activities on
17 conservation lands, including allowable uses or
18 activities for which no permit shall be required;
- 19 (6) Establish restrictions, requirements, and conditions
20 consistent with the standards set forth in this
21 chapter on the use of conservation lands; and



1 (7) Establish and enforce land use regulations on
2 conservation district lands including the collection
3 of fines for violations of land use and terms and
4 conditions of permits issued by the department.

5 (b) All powers and duties of the board and department
6 pursuant to this chapter and chapter 171, pertaining to areas
7 designated under the state conservation district on Mauna Kea
8 lands, shall be retained and shall not be transferred to the
9 Mauna Kea stewardship and oversight authority upon the
10 expiration of the five-year transition period pursuant to Act
11 255, Session Laws of Hawaii 2022."

12 SECTION 3. Section 195H-7, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) Notwithstanding any law to the contrary, all powers
15 and duties of the board of land and natural resources pursuant
16 to chapter 171, and the land use commission pursuant to chapter
17 205, concerning permits, dispositions, land use approvals, and
18 any other approvals pertaining to the Mauna Kea lands are
19 transferred to the authority upon the expiration of the
20 transition period; provided that the transfer of such powers and
21 duties from the board of land and natural resources and the land



1 use commission may occur earlier, upon approval of the
2 authority, the board of land and natural resources, and the land
3 use commission. Upon the expiration of the transition period,
4 the authority shall carry out the powers and duties otherwise
5 conferred upon the board of land and natural resources pursuant
6 to chapter 171, and the land use commission pursuant to chapter
7 205, with regard to permits, dispositions, land use approvals,
8 and any other approvals pertaining to the Mauna Kea lands [-];
9 provided that all powers and duties of the board of land and
10 natural resources and the department of land and natural
11 resources pursuant to chapters 183C and 171, pertaining to areas
12 designated under the state conservation district on Mauna Kea
13 lands, shall be retained and shall not be transferred to the
14 Mauna Kea stewardship and oversight authority upon the
15 expiration of the five-year transition period."

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Mauna Kea Stewardship and Oversight Authority; Board of Land and Natural Resources; Conservation District

Description:

Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district. Effective 7/1/2050. (SD1)

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