

STAND. COM. REP. NO. 2218

Honolulu, Hawaii

FEB 09 2024

RE: S.B. No. 2297
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred S.B. No. 2297 entitled:

"A BILL FOR AN ACT RELATING TO NATURAL RESOURCE MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that:

- (1) The Board of Land and Natural Resources shall retain its authority over State conservation districts located on Mauna Kea lands and that this authority shall not transfer to the Mauna Kea Stewardship and Oversight Authority with the expiration of the five-year transition period established by Act 255, Session Laws of Hawaii 2022; and
- (2) The natural resource management enforcement and emergency response of Mauna Kea lands shall remain the responsibility of the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources beyond the expiration of the five-year transition period pursuant to Act 255, Session Laws of Hawaii 2022.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs and one member of the Hawai'i County Council.



Your Committee received testimony in opposition to this measure from the Mauna Kea Stewardship Oversight Authority and one individual.

Your Committee received comments on this measure from the Department of Land and Natural Resources and University of Hawaii.

Your Committee finds that Act 255, Session Laws of Hawaii 2022, established the Mauna Kea Stewardship and Oversight Authority, stipulating that after a five-year transition period, the Mauna Kea Stewardship and Oversight Authority would acquire the powers and duties previously held by the Board of Land and Natural Resources and the Land Use Commission pertaining to the Mauna Kea lands. However, it is unclear as to whether the Department of Land and Natural Resources is responsible for lands within the state conservation district, including lands identified and defined as "Mauna Kea lands". This measure clarifies the jurisdictions held by the Mauna Kea Stewardship and Oversight Authority and the Board of Land and Natural Resources.

Your Committee has amended this measure by:

- (1) Clarifying that areas under the state conservation district shall not be transferred to any other entity;
- (2) Adding new language clarifying that the Board of Land and Natural Resources has an affirmative and non-transferable duty to uphold and protect the traditional and customary rights of Native Hawaiians as provided by article 7 of the Hawaii State Constitution; and
- (3) Inserting an effective date of July 1, 2025.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2297, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2297, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUÉ, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
 Committee on Water and Land
 WTL

Bill / Resolution No.:* SR 2297	Committee Referral: WTL, JDC/WAM	Date: 02/05/2024
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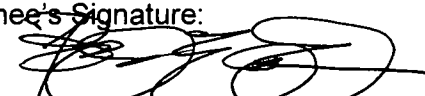
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)			✓	
CHANG, Stanley		✓		
MCKELVEY, Angus L.K.		✓		
FEVELLA, Kurt			✓	
TOTAL	1	2	2	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes