



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

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Dear Chair Komeiji and Mr. De Fries:

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

COMMENTS ON DRAFT BILL

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

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

The highest strategic priority for the University is and has been lease renewal, and the bill does not address the multifold concerns arising from the fact that the master lease for the science reserve expires in 2033².

Astronomy on Maunakea requires investment by the countries, scientific agencies, and universities that currently hold valid subleases and permits to operate the observatories. That investment pays for, among other things, Maunakea Access Road to be maintained so that all members of the public can reach the summit of Maunakea, not just observatory employees. The bill would establish unprecedented regulatory and legal authority in one agency, with challenges likely³. Uncertainty is not conducive to investment, and our greatest concern is that the lack of progress to establish a stable state governance structure as of July 1, 2028, discourages the necessary investment that enables not just scientific discoveries and high-quality jobs, but access to the mauna by practitioners and members of the public alike. This uncertainty has already resulted in dis-investment on the order of approximately half a billion dollars, given the lack of a long-term lease in place⁴, and TIO is exploring the Canary Islands as an alternative site; no one is willing to fund major projects without long-term leases in place. It also goes without saying that the fewer the number of observatories, the higher the amounts of investment needed from the remaining observatories.⁵

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

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

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

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

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

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

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

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

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

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

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

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

MOVING FORWARD

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

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

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

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

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

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

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

Very Truly Yours,



Gabriel Lee
Chair, Board of Regents



Wendy F. Hensel
President

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

October 24, 2025

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

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

Aloha Drs. Yang and Tsuneta:

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

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

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

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

Mahalo,



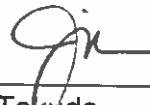
Brian Schatz
U.S. Senator for the State of Hawai'i



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



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



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



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

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



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

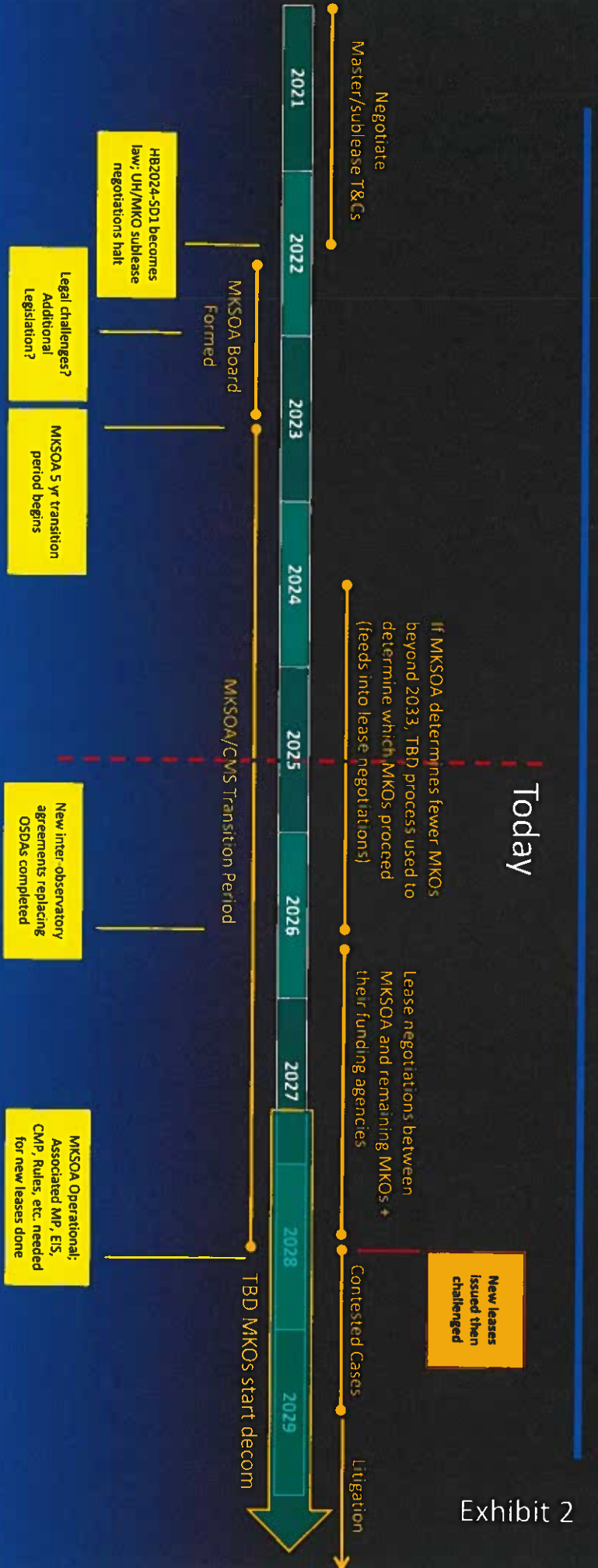


Exhibit 2