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November 30, 2025

Gabriel Lee, Chair Board of Regents
Wendy F. Hensel, President
University of Hawai'i System
2444 Dole Street, Bachman Hall
Honolulu, Hawai'i 96822
Via E-mail: c/o Amy Luke (aluke@hawaii.edu)

Aloha e Chair Lee 'olua 'o President Hensel,

Mahalo for your letter of November 20, 2025 sharing concerns about issues that arise with the 2033 expiration of the master lease for the Mauna Kea Science Reserve and comments on a bill we have had the Legislative Reference Bureau draft to address the governance needs of the Mauna Kea Stewardship and Oversight Authority (MKSOA). Our responses are set forth in six sections: context; theory of transformation; draft legislation; process for negotiating future lease agreements; Governor's letter to TIO principals and next steps.

Context

In addition to Mauna Kea's value for astronomical study, the summit region of Mauna Kea is a spiritual and special place of significance that is home to cultural landscapes, fragile habitats, and historical and archaeological artifacts. While the citizens of Hawai'i appreciate astronomy's many significant discoveries that contribute to humanity's study and understanding of the universe, the proposed Thirty Meter Telescope project became a flashpoint for the debate of complex issues involving indigenous rights, historical injustice, environmental decline, economic growth, cultural preservation, educational opportunities and scientific exploration.

In the face of protests and concerns raised about the impacts upon the spiritual significance and environment of this extraordinary natural resource engendered by the growing astronomy research facilities, the Mauna Kea Stewardship and Oversight Authority (MKSOA) was created under Act 255, Session Laws of Hawai'i 2022 **to bring about a more harmonious coexistence of these and other uses atop the mountain.**

MKSOA is well-aware that the timeline for lease renewals on Mauna Kea is a critical issue and we welcome UH's ideas, suggestions and assistance, in accordance with our theory of transformation and strategic framework.

Theory of Transformation

To accomplish this legislative mandate, our Authority was designed to represent a broad range of key stakeholders...a lineal descendant, astronomy leader, the Hawai'i Island Mayor, cultural practitioner, the UH-Hilo Chancellor, community engagement advocate, land manager, educator, business executive, the Department of Land & Natural Resources Deputy, celestial wayfinder, tourism operator and land use attorney.

From the outset, our twelve members understood that if we could not unify, there would be little chance of achieving the goal of harmonious coexistence among citizens across Hawai'i Nei. What we have learned through dialogue

amongst ourselves, presentations to stakeholder organizations and discussions with those who have attended our community outreach meetings. It is that the manner in which we conduct our business will have a powerful influence upon how the public perceives, challenges or embraces the outcomes of our oversight decision-making.

If our respective experiences have taught us anything, it is that we should strive to move at the speed of trust, rather than being driven by the expedience of transaction. Lease extensions, approval of new encumbrances, resource permits and other actions that appear to assert the interests of a single sector above all others are likely to be met with the same dissent and resistance that have caused so many past projects to become mired in contested cases, litigation, protests, arrests and discord...myriad expressions of frustration and dispute escalations that have frayed the fabric of our society and confounded investors and community alike.

Therefore, our emerging theory of transformation prioritizes transparency, inclusivity, silo-busting, educating, balancing interests, integrating knowledge systems and consensus-building. And as our strategic framework emerges, we must then demonstrate accountability by adopting policies and rules respectively, to ensure that our regulatory decisions comport with our desired strategic outcomes.

This is the backdrop for our consideration of your requests to address the matter of lease renewal for the Mauna Kea Scientific Reserve. While we respect that this is the University's "highest strategic priority," we cannot negotiate the lease in a vacuum. Indeed, we believe that to do so would turn considerable public sentiment against the University, exacerbate the "uncertainty [that] is not conducive to investment" and jeopardize your long-term interests.

This would not benefit the University, and it is not what we want either. Instead, we are channeling all the resources we can muster into forging a new paradigm of mutual stewardship to replace past practices that have precipitated so much dissension and hurt in our community.

Draft Legislation

This is where the draft legislation comes into play. Thank you for sharing your opinions about this version of the bill. The overarching principle in our efforts to formulate a legislative bill is to reaffirm the original intent of Act 255 by proposing refinements that bring clarity to several core elements, to include:

- **Relating to Part I:** essentially, this section reflects the original intent of Act 255 and the purpose for the legislative bill.
- **Relating to Part II:** UH's support is requested in affirming that the current property interest of DLNR (with respect to the Mauna Kea Lands) should be transferred to MKSOA via operation of law. Additionally, all parties and stakeholders will remain intently focused on the efforts of the long-term transition working group under the stellar leadership of UHS-BOR designate to MKSOA, Ben Kudo to ensure that we are all clear about the transfer of assets and what happens to the attendant obligations and liabilities.
- **Relating to Part III:** UH's reservations about this proposed amendment are duly noted. Consequently, we have scheduled a meeting between MKSOA's board interactive group and DLNR Director Chang, to find a resolution that can be supported by DLNR, UHS, MKSOA and a range of community-based constituents.

UH's most recent proposal to MKSOA seeks to: 1) determine the number of observatories on Mauna Kea; 2) determine the appropriate terms and conditions of the new leases; 3) negotiate the new leases and assign the leases to MKSOA at the appropriate time. While we are committed to act with a sense of urgency, we believe it is critical for these decisions to be informed by the emerging Strategic Framework and Management Plan that we are currently developing with input of all stakeholders and expect will be completed in early 2027. To move forward in the manner, you propose would violate the intent of Act 255 and further injure the fragile trust and confidence within our communities.

- **Relating to Part IV:** MKSOA remains open to more ideas from UHS on the methodologies that can effectively be deployed in transferring the CDUPs and we have tasked our senior staff to explore the range of options within the JMC and to seek legal guidance when necessary.
- **Relating to Parts V and VI:** thank you for supporting the premise of having UH's Hawaii Administrative Rules (HARs) for Maunakea remain in place until MKSOA develops and formally adopts, its own set of HARs; coupled with your support for the UH 2022 Master Plan and CMP to remain in effect, as well.
- **Relating to Part VII:** on the matter of MKSOA's sovereign immunity status, we concur with UH's deference to the State's Attorney General.

Process for Negotiating Future Lease Agreements:

Foundational to MKSOA's ability to negotiate future lease agreements is the completion and formal adoption of our new management plan by Q1 2027. While we are open to ideas that are intended to fast-track the process, we are also protective of the need and the time it takes to earn and maintain the community's trust and support.

However, we appreciate Dr. Greg Chun's proposed compromise of commencing with an EIS on the basis of various carrying capacity scenarios. To this end, initial meetings with consultants and experts in this field will be convened immediately. In as much as the JMC is not a legal entity, the designation of the EIS applicant will be an important decision that should be mutually agreed upon.

Governor Green's Letter to TIO Principals:

As stated in the October 24th letter, the Governor's intent is:

. . . 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.

Effectively, what Governor Green is calling for is within the jurisdiction of DLNR and UH; until that regulatory responsibility transfers to MKSOA on July 1, 2028. Currently, DLNR has authority over the CDUP process and UH is responsible for the Proposal Review Process as described in Section 6 of the Maunakea Master Plan (2022). As part of the UH process MKSOA could be called upon for input and assistance.

In as much as President Hensel and Chair Komeiji were copied on the letter, MKSOA convened a meeting on October 30 that included leadership and legal counsel of DLNR, CMS, OCCL to collaborate in setting forth the steps and estimated timeline for a proposal to navigate through these multiple jurisdictions. Once complete, MKSOA will request a meeting with the Governor to review the requirements of the current permitting process that will be in effect until authority transitions to MKSOA on July 1, 2028.

Next Steps:

- 1) **An Invitation to Chair Lee and President Hensel:** please accept our invitation to join the MKSOA Board Meeting on December 11, 2025, at 10:30am where your November 20th letter to us (Komeiji and De Fries) will be on the agenda; giving both of you an opportunity to expand on your views and share pertinent insights in a dialogue with the MKSOA board members. You will be joining Institute for Astronomy Director, Doug Simons who we've invited to update MKSOA on the decommissioning process on Mauna Kea and Dr. Greg Chun who has a standing invitation each month for operational updates.

- 2) **MKSOA Appearance at CFHT's Board of Directors Meeting:** for the second consecutive year, John De Fries is invited to present at this annual meeting. Your reference to the Maunakea Spectroscopic Explorer (MSE) project being terminated by a decision at last year's board meeting due to the absence of a long-term lease is surprising since this subject did not arise in a Q&A segment with De Fries at last year's meeting. The upcoming CFHT board meeting is scheduled for December 10-11 and De Fries will seek clarification at that time.

The CFHT Director has been very engaged in the MKSOA series of community meetings over the past twenty months and he is a valuable representative of the astronomy industry. Likewise, MKSOA values the opportunity to meet monthly with the Mauna Kea Observatories (MKO) consortium and we now look forward to the one-on-one sessions with the respective observatory directors, beginning in mid-December 2025.

- 3) **Proposed Stabilization Fund:** while Act 255 does not mandate the sharing of operational costs during the five-year transition phase, this topic was opened for discussion with CMS as a gesture of good faith and as a potential means by which to accelerate aspects of the transition phase (like the early transfer of staff members, in ways that are fully compliant and mindful of the staff's well-being).

Dr. Chun and Nahua Guilloz have been very helpful in providing timely information and guidance. To accommodate time for more research into the terms and conditions under which an agreement could be structured, this topic will not be appearing on December's MKSOA meeting agenda but, it remains as an important element in fortifying our unified work efforts within the JMC and with the CMS team.

In closing, it should be emphasized that the sustained communications between the respective permitted interactive groups is essential as UH and

MKSOA move forward. We understand that the impending expiration of the master lease for the Mauna Kea Science Reserve is a matter of utmost concern to the University. Hawai'i's support for astronomy is recognized in Act 255. So, too, are Mauna Kea's spiritual significance and environmental importance. Our Authority asks for your continued support of our efforts to balance these interests so that we might "bring about a more harmonious coexistence of these and other uses atop the mountain".

Respectfully Submitted:


John Komeiji, Chair


John De Fries, Executive Director

cc: Governor Josh Green

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