

House Committee on Water and Land  
Honorable Mark J. Hashem, Chair  
Honorable Rachele F. Lamosao, Vice Chair

**RE: Testimony in Opposition to H.B. 144, Relating to Mauna Kea**  
Hearing: February 6, 2025 at 9:00 a.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to respectfully submit testimony in **opposition** to H.B. 144.

H.B. 144 authorizes members of the Mauna Kea Stewardship and Oversight Authority (Authority) to meet and conduct board business – outside of duly-noticed public meetings and without public comment or participation – during the five-year transition period provided by Hawai'i Revised Statutes (HRS) § 195H-6.

Some of the Authority's most critical work is to be done during the transition period. This includes the development of "a management plan" to govern land uses, human activities, and overall operations. HRS § 195H-6(b). The Authority is also tasked during this period with developing a financial plan that strives for "financial self-sustainability." HRS § 195H-6(c).

Given the foundational nature of this work, the cultural significance of Mauna Kea, and the sustained public interest in its management, transparency and public participation during the transition period are paramount to the success of the Authority. Yet this bill allows that work to be done in secret. The only guardrails on these secret meetings – that members do not make any decisions or commitments to vote – are illusory. Observing the *process* is critical to trusting the result.

Moreover, there is no need to suspend the Sunshine Law here. Existing law provides a robust toolkit that enables the Authority to conduct business effectively. *E.g.*, HRS § 195H-9 (authorizing "advisory groups"); HRS § 92-2.5 (allowing permitted interactions); HRS § 92-3.1 (authorizing limited meetings under certain circumstances); and HRS § 92-4 (allowing closed meetings for limited purposes).

While we appreciate the stated purpose of overcoming "decades of distrust" and the need for "frank and open discussions," that can fully coexist, in harmony, with the Sunshine Law. Contrary to this intent, H.B. 144 threatens to erode trust in the



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Authority's work, and further divide our community on a significant matter of statewide concern.

Thank you again for the opportunity to testify in opposition H.B. 144.