
A BILL FOR AN ACT

RELATING TO MAKUA VALLEY.

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

1 SECTION 1. The legislature finds that the continued use of
2 Makua Valley along the leeward coast of Oahu by the United
3 States Army for live-ammunition field exercises has had
4 devastating effects on the environment and local residents.

5 The use of Makua Valley by the Army was granted initially
6 in May, 1943 by the territorial government of Hawaii under
7 Revocable Permit No. 200. On August 15, 1964, President Lyndon
8 Johnson signed Executive Order No. 11166 which set aside a major
9 portion of the training area to the federal government. The
10 remaining portion was leased to the federal government by the
11 State for sixty-five years, ending in 2029.

12 Makua Valley has been used extensively since 1943 as a
13 live-fire area and has been subjected to air bombing, ship to
14 shore firing, amphibious operations and live-firing of all
15 infantry and artillery weapons. The use of live-ammunition has
16 caused wild fires that threatened more than thirty endangered
17 species of plants and animals that are native to Makua Valley.

18 The explosiveness of live-ammunition also threatens ancient



1 cultural sites and has resulted in unexploded ordinance left in
2 the valley that may eventually cause serious injury or death to
3 residents when part of the valley is returned to the State in
4 2029.

5 The purpose of this Act is to require the State to revoke
6 or renegotiate the terms of the permit allowing the United
7 States Army to use Makua Valley to prohibit the use of live-
8 ammunition and toxic or hazardous chemicals in their field
9 exercises.

10 SECTION 2. The department of land and natural resources,
11 with the assistance of the attorney general, shall revoke or
12 renegotiate Revocable Permit No. 200 entered into with the
13 federal government, on or about August 17, 1964, to prohibit the
14 United States Army from using live-ammunition, including toxic
15 or hazardous chemicals, in field exercises in Makua Valley on
16 the leeward coast of Oahu.

17 For renegotiation purposes, the department may issue new
18 permits, or issue new leases with the federal government to
19 utilize other state lands to meet the needs of the United States
20 Army; provided that any new permit or lease shall not allow the
21 use of live-ammunition, including toxic or hazardous chemicals;
22 provided further that any permit renegotiated pursuant to this



1 Act shall be subject to legislative approval by concurrent
2 resolution.

3 SECTION 3. The department of land and natural resources
4 shall submit a report on the status of any revocation or
5 renegotiation of the permit under this Act, as well as any
6 findings and recommendations, to the legislature twenty days
7 prior to the convening of the 2008 regular session of the
8 legislature.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$, or so much
11 thereof as may be necessary for fiscal year 2007-2008, for the
12 purposes of this Act.

13 SECTION 5. The sum appropriated shall be expended by the
14 department of land and natural resources for the purposes of
15 this Act.

16 SECTION 6. This Act shall take effect upon its approval;
17 provided that sections 4 and 5 shall take effect on July 1,
18 2007.

INTRODUCED BY:

Lyle B. Berg

JR
Raymond

JAN 19 2007



Report Title:

Makua Valley; Live-Ammunition

Description:

Requires the State to revoke or renegotiate the permit that allows the U.S. Army to use Makua Valley for live-ammunition field exercises.

