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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES, IN CONSULTATION WITH THE BOARD OF LAND AND NATURAL RESOURCES, TO DEVELOP A PLAN TO REDUCE THE DISPOSITION OF PUBLIC LANDS FOR MILITARY TRAINING AND EXERCISE AND REMEDIATE AND RESTORE PUBLIC LANDS THAT HAVE BEEN DAMAGED BY MILITARY ACTIVITIES.

1           WHEREAS, article XI, section 1, of the Hawaii State  
2 Constitution provides that "for the benefit of present and  
3 future generations, the State and its political subdivisions  
4 shall conserve and protect Hawaii's natural beauty and all  
5 natural resources, including land, water, air, minerals and  
6 energy sources, and shall promote the development and  
7 utilization of these resources in a manner consistent with their  
8 conservation and in furtherance of the self-sufficiency of the  
9 State. All public natural resources are held in trust by the  
10 State for the benefit of the people."; and

11  
12           WHEREAS, the Legislature believes that public lands should  
13 be managed in the spirit of mālama 'āina, which calls for us to  
14 care for the environment that sustains us and of which we are  
15 also a part; and

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17           WHEREAS, the military's use of public lands has been  
18 inconsistent with the principle of mālama 'āina; and

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20           WHEREAS, the legacy of the military's use of Kaho'olawe,  
21 Mākua, Pōhakuloa, and Waikāne are well-known and tragic; and

22  
23           WHEREAS, the Navy failed to clear all unexploded ordnance  
24 from Kaho'olawe; and



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1 WHEREAS, a federal court concluded that the Army "failed to  
2 use good faith efforts to develop a plan and secure funding for  
3 clearing unexploded ordnance from the high priority sites that  
4 the Army was supposed to identify" in Mākua pursuant to a  
5 settlement agreement; and

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7 WHEREAS, portions of state land at Pōhakuloa are, according  
8 to a state circuit court, heavily contaminated with material  
9 that presents an explosive hazard and significant danger to  
10 public health and welfare, with the court holding in part that,  
11 "The State of Hawaii is the trustee of these public lands in the  
12 public trust. The trustee of the public lands trust has the  
13 highest duty to preserve and maintain the trust lands. This  
14 duty is broadly coined in the concept of mālama 'āina - to care  
15 for the land."; and

16  
17 WHEREAS, there are four sixty-five year leases to public  
18 lands given to the military at Mākua, Kahuku, Poamoho, and  
19 Pōhakuloa that are set to expire in 2029; and

20  
21 WHEREAS, it is necessary to evaluate the impact of the  
22 military's presence in Hawaii and develop a plan for remediating  
23 and restoring public lands that have been damaged by military  
24 activities; now, therefore,

25  
26 BE IT RESOLVED by the House of Representatives of the  
27 Thirty-first Legislature of the State of Hawaii, Regular Session  
28 of 2021, the Senate concurring, that the Department of Land and  
29 Natural Resources, in consultation with the Board of Land and  
30 Natural Resources, is requested to develop a plan to reduce the  
31 disposition of public lands for military training and exercise  
32 and remediate and restore public lands that have been damaged by  
33 military activities; and

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35 BE IT FURTHER RESOLVED that the Department of Land and  
36 Natural Resources is requested to convene an advisory committee  
37 to make recommendations to the Department regarding development  
38 of the plan; and



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1 BE IT FURTHER RESOLVED that the Chairperson of the Board of  
2 Land and Natural Resources is requested to appoint members of  
3 the advisory committee and include experts or community  
4 stakeholders with extensive experience in:

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- 6 (1) Environmental conservation;
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- 8 (2) Land remediation and restoration;
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- 10 (3) Native Hawaiian customary rights;
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- 12 (4) The economic impact of the military's presence in the  
13 State; and
- 14
- 15 (5) Other stakeholders deemed appropriate by the  
16 Chairperson of the Board of Land and Natural  
17 Resources; and
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19 BE IT FURTHER RESOLVED that the Department of Land and  
20 Natural Resources is requested to submit an interim report to  
21 the Legislature no later than twenty days prior to the Regular  
22 Session of 2022; and

23

24 BE IT FURTHER RESOLVED that the interim report is requested  
25 to include:

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- 27 (1) A progress update regarding the development of the  
28 plan and selection of members of the advisory  
29 committee;
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- 31 (2) Interim findings and recommendations of the advisory  
32 committee; and
- 33
- 34 (3) A timeline for completion of the plan; and
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36 BE IT FURTHER RESOLVED that the Department of Land and  
37 Natural Resources is requested to submit a final report  
38 containing the plan to the Legislature no later than twenty days  
39 prior to the Regular Session of 2023; and

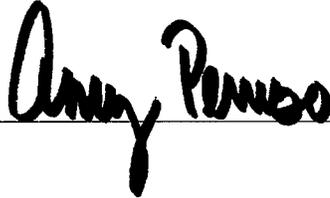


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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Governor and  
3 Chairperson of the Board of Land and Natural Resources.

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OFFERED BY:

A handwritten signature in black ink, appearing to read "Amy Ponso", is written over a horizontal line.

MAR 01 2021

