
HOUSE 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

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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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26 WHEREAS, a federal court concluded that the Army "failed to
27 use good faith efforts to develop a plan and secure funding for
28 clearing unexploded ordnance from the high priority sites that



H.R. NO. 51

1 the Army was supposed to identify" in Mākua pursuant to a
2 settlement agreement; and

3
4 WHEREAS, portions of state land at Pōhakuloa are, according
5 to a state circuit court, heavily contaminated with material
6 that presents an explosive hazard and significant danger to
7 public health and welfare, with the court holding in part that,
8 "The State of Hawaii is the trustee of these public lands in the
9 public trust. The trustee of the public lands trust has the
10 highest duty to preserve and maintain the trust lands. This
11 duty is broadly coined in the concept of mālama 'āina - to care
12 for the land."; and

13
14 WHEREAS, there are four sixty-five year leases to public
15 lands given to the military at Mākua, Kahuku, Poamoho, and
16 Pōhakuloa that are set to expire in 2029; and

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

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

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

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37 BE IT FURTHER RESOLVED that the Chairperson of the Board of
38 Land and Natural Resources is requested to appoint members of
39 the advisory committee and include experts or community
40 stakeholders with extensive experience in:

41
42 (1) Environmental conservation;



H.R. NO. 51

- 1 (2) Land remediation and restoration;
- 2
- 3 (3) Native Hawaiian customary rights;
- 4
- 5 (4) The economic impact of the military's presence in the
- 6 State; and
- 7
- 8 (5) Other stakeholders deemed appropriate by the
- 9 Chairperson of the Board of Land and Natural
- 10 Resources; and
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12 BE IT FURTHER RESOLVED that the Department of Land and
 13 Natural Resources is requested to submit an interim report to
 14 the Legislature no later than twenty days prior to the Regular
 15 Session of 2022; and

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 17 BE IT FURTHER RESOLVED that the interim report is requested
 18 to include:

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- 20 (1) A progress update regarding the development of the
- 21 plan and selection of members of the advisory
- 22 committee;
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- 24 (2) Interim findings and recommendations of the advisory
- 25 committee; and
- 26
- 27 (3) A timeline for completion of the plan; and
- 28

29 BE IT FURTHER RESOLVED that the Department of Land and
 30 Natural Resources is requested to submit a final report
 31 containing the plan to the Legislature no later than twenty days
 32 prior to the Regular Session of 2023; and

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 34 BE IT FURTHER RESOLVED that certified copies of this
 35 Resolution be transmitted to the Governor and Chairperson of the
 36 Board of Land and Natural Resources.

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OFFERED BY:



MAR 01 2021

