

JAN 22 2021

A BILL FOR AN ACT

RELATING TO THE ESTABLISHMENT OF AN ECOSYSTEM RESTORATION
COMMISSION.

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

1 SECTION 1. The legislature finds that as part of the green
2 new deal-Hawaii initiative, the State has an interest in
3 maintaining and restoring its lands so that they are in a safe
4 and healthy condition for the benefit of all who reside or come
5 to Hawaii. The legislature finds that remediation and
6 restoration of contaminated or otherwise hazardous lands is a
7 priority of the State.

8 The legislature finds that the human-induced global climate
9 crisis requires a thoughtful but bold response on many fronts to
10 make Hawaii communities resilient to the impacts of climate
11 change that threaten the very survivability of these fragile
12 islands. Lest Hawaii lose its leadership position in meeting
13 the future of labor, justice, and equity, the legislature
14 embraces aloha aina as a green new deal to decarbonize Hawaii's
15 systems of food, energy, and transportation, and to sequester
16 carbon through systems of agriculture, waste management, and



1 ecosystem restoration. This solid foundation finds synergies
2 with expanded access to health, housing, and education,
3 multiplying good jobs and ensuring justice and equity for
4 Hawaii's citizens. This Act represents a forward step in
5 mitigating and adapting Hawaii to inevitable change.

6 Many properties on the islands of Hawaii are under federal
7 ownership or control and are being, or have been, used as
8 military facilities. The legislature finds that such use has
9 resulted in contamination to the water and soil on and adjacent
10 to many of these properties, or that there exist more immediate
11 hazards, such as the presence of unexploded ordnance. Immediate
12 action in the form of an ecosystem restoration commission is
13 needed in anticipation of the upcoming expiration of land leases
14 between the State and the United States government.

15 The purpose of this Act is to establish an ecosystem
16 restoration commission to oversee the return of state lands
17 leased to the federal government.

18 SECTION 2. (a) There is established an ecosystem
19 restoration commission within the department of land and natural
20 resources for administrative purposes. The ecosystem
21 restoration commission shall consist of at least twelve members



1 who shall be nominated and appointed in accordance with section
2 26-34, Hawaii Revised Statutes. The commission shall consist of
3 the following members:

- 4 (1) The chair of the board of land and natural resources,
5 or the chair's designee, who shall serve as the chair
6 of the ecosystem restoration commission;
- 7 (2) The director of the department of health or that
8 director's designee;
- 9 (3) The chairs of the legislature's standing committees
10 with relevant subject matter jurisdiction encompassing
11 environmental protection and restoration as determined
12 by each house of the legislature;
- 13 (4) One representative from each of the four counties who
14 shall be selected by the mayor of that
15 representative's county;
- 16 (5) At least one representative from an organization
17 dedicated to the remediation and prevention of
18 military debris and site contamination or degradation;
- 19 (6) At least one representative from a Hawaiian
20 organization dedicated to preserving native Hawaiian



- 1 traditional and cultural practices, and preventing the
2 desecration of the environment;
- 3 (7) A representative from the United States military; and
4 (8) A representative from the United States Environmental
5 Protection Agency.
- 6 (b) The ecosystem restoration commission shall:
- 7 (1) Create and maintain an inventory of all lands in the
8 State where the federal government claims ownership or
9 control, including a database of relevant leases and
10 their expiration dates;
- 11 (2) Identify and evaluate any and all environmental damage
12 to and any required remediation efforts for the
13 inventoried lands;
- 14 (3) Identify which lands are appropriate for continued
15 set-aside to the United States government;
- 16 (4) Negotiate with the appropriate federal agencies for
17 the return of ownership and control and the
18 environmental remediation of parcels of property still
19 under the ownership or control of the federal
20 government;



1 (5) Ensure that administrative control over all property
2 and property interests transferred from the federal
3 government to the State shall be given to an
4 appropriate state, county, or other entity; and

5 (6) Make recommendations for future use and environmental
6 remediation of each property.

7 (c) The ecosystem restoration commission shall submit an
8 annual report on all its activities and findings pursuant to
9 subsection (b) to the governor and legislature no later than
10 twenty days prior to the convening of each regular session.

11 (d) The ecosystem restoration commission shall initiate
12 negotiations, pursuant to subsection (b)(4), with a set of
13 requests and demands made to a representative of the United
14 States military who is charged with negotiations on behalf of
15 the United States. The ecosystem restoration commission shall
16 submit the requests and demands to the representative no later
17 than January 1, 2022. The ecosystem restoration commission
18 shall initiate a new round of negotiations with an updated set
19 of requests and demands each year for ten years.

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1 SECTION 3. This Act shall take effect upon its approval,
2 and shall be repealed on June 30, 2032.

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INTRODUCED BY:

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

SB. NO. 487

Report Title:

Ecosystem Restoration Commission; Remediation of Military-Use Lands; Green New Deal-Hawaii Initiative

Description:

Establishes an ecosystem restoration commission to identify federally owned or controlled lands within Hawaii for environmental remediation and the return of ownership and control of those lands to the State.

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