

MAR 07 2023

SENATE RESOLUTION

URGING THE BOARD OF LAND AND NATURAL RESOURCES TO ESTABLISH A TASK FORCE TO PREPARE A FEASIBILITY PLAN FOR THE TRANSITION OF THE MANAGEMENT OF THE MAKUA MILITARY RESERVATION TO THE STATE FROM THE UNITED STATES ARMY UPON THE EXPIRATION OF GENERAL LEASE NUMBER S-3848.

1 WHEREAS, use of Makua Valley by the United States military
2 dates back to the 1920s; and

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4 WHEREAS, during World War II, more than four thousand acres
5 in the Makua Valley were converted into a United States military
6 reservation and areas of Makua Valley were turned into live-fire
7 training facilities subject to ship-to-shore bombardment; and

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9 WHEREAS, kuleana residents and other residents were
10 required to leave Makua Valley following the United States
11 military taking over the area; and

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13 WHEREAS, in 1964, the Board of Land and Natural Resources
14 signed a sixty-five year lease with the United States Army for
15 use of the Makua Valley land; and

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17 WHEREAS, the United States military continued live-fire
18 training at Makua Military Reservation until 2001, when the
19 United States Army agreed to nearly cease live-fire training at
20 Makua pending a comprehensive Environmental Impact Statement;
21 and

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23 WHEREAS, according to the findings of fact from a judge of
24 the United States District Court for the District of Hawaii that
25 temporarily enjoined the Army from conducting live-fire military
26 training at Makua in 2001:

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28 (1) There are at least thirty-two listed endangered
29 plants, two endangered birds, one endangered mammal,



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1 and one endangered invertebrate snail located in the
2 Makua Military Reservation area;

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4 (2) There are records of ten plant species recognized as
5 species of concern, five plant candidate species
6 recognized for threatened or endangered species
7 status, and one animal species of concern in the Makua
8 Military Reservation area; and

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10 (3) Makua Valley is associated with a number of Native
11 Hawaiian legends and traditional Native Hawaiian
12 deities, and has significant religious and social
13 value to many Native Hawaiians; and

14
15 WHEREAS, the Makua Military Reservation contains
16 approximately one hundred sites that are eligible for listing on
17 the National Register of Historic Places, including Hawaiian
18 temples, shrines, and petroglyphs; and

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20 WHEREAS, the United States Army agreed to clear unexploded
21 ordnances, with a focus on providing access to cultural sites in
22 Makua; and

23
24 WHEREAS, access to cultural sites was halted in 2015 after
25 two grass-cutting contractors were injured when an unexploded
26 ordnance was accidentally exploded, resulting in a lawsuit
27 against the United States Army to renew access to cultural
28 sites; and

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30 WHEREAS, General Lease No. S-3848, the State's sixty-five
31 year lease to the United States Army for its use of Makua
32 Valley, expires on August 16, 2029; now, therefore,

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34 BE IT RESOLVED by the Senate of the Thirty-second
35 Legislature of the State of Hawaii, Regular Session of 2023,
36 that the Department of Land and Natural Resources is urged to
37 establish a task force to prepare a feasibility plan for the
38 transition of the management of the Makua Military Reservation
39 to the State from the United States Army upon the expiration of
40 General Lease No. S-3848 expires; and



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1 BE IT FURTHER RESOLVED that the task force is requested to
2 be comprised of the Chairperson of the Board of Land and Natural
3 Resources and a member of the Board of Trustees of the Office of
4 Hawaiian Affairs, or the Board's designee; and

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6 BE IT FURTHER RESOLVED that the Chairperson of the Board of
7 Land and Natural Resources is requested to invite the following
8 persons to be members of the task force:

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- 10 (1) A representative of the Legislature;
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 - 12 (2) The Commanding General of the United States Army
13 Pacific, or the Commanding General's designee, to
14 serve as a military representative;
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 - 16 (3) A representative of families who were evicted from the
17 Makua Valley Reserve or whose lands in the Makua
18 Valley Reserve were condemned by the federal
19 government;
 - 20
 - 21 (4) A representative of the Aha Moku Advisory Committee;
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 - 23 (5) Three representatives, each representing a different
24 non-profit organization, having expertise on Makua
25 Valley; and
 - 26
 - 27 (6) A representative selected from a list provided by
28 Native Hawaiian organizations; and
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30 BE IT FURTHER RESOLVED that the task force is requested to
31 elect a chairperson from amongst its members; and

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33 BE IT FURTHER RESOLVED that in preparing the feasibility
34 plan for the transition of the management of the Makua Military
35 Reservation from the United States Army, the task force is
36 requested to enter into discussions with the United States Army
37 to:

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- 39 (1) Facilitate the expedient return of the valley reserve
40 upon the expiration of the United States Army's lease;
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 - 42 (2) Ensure the clean-up of any unexploded ordnance; and



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(3) Ensure the expansion of opportunities for cultural access; and

BE IT FURTHER RESOLVED that the task force is requested to include in the feasibility plan recommendations and policies that focus on the goal of transferring the lands currently held by the United States Army under General Lease No. S-3848 to the State, including:

- (1) Holding the lands in trust as part of the public land trust; and
- (2) Transferring management and control of the lands to the sovereign Native Hawaiian entity upon its recognition by the United States and the State; and

BE IT FURTHER RESOLVED that the task force is requested to submit a report of its findings and recommendations, including the feasibility plan and any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2024; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the United States Secretary of the Army, Commanding General of the United States Army Pacific, Chairperson of the Board of Land and Natural Resources, Chairperson of the Office of Hawaiian Affairs Board of Trustees, and Chairperson of the Aha Moku Advisory Committee.

OFFERED BY:  _____

