

FEB 24 2026

SENATE CONCURRENT RESOLUTION

OPPOSING CONDEMNATION OR THREATS OF CONDEMNATION BY THE FEDERAL
GOVERNMENT TO TAKE CONTROL OF POHAKULOLO AND ANY STATE LAND.

1 WHEREAS, the aina referred to as Pohakuloa on Mauna Kea is
2 sacred to kanaka oiwi; and
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4 WHEREAS, Pohakuloa is a resting place for iwi kupuna; and
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6 WHEREAS, kanaka had accessed Pohakuloa to gather resources
7 and to engage in traditional and customary practices prior to
8 and following European contact; and
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10 WHEREAS, Pohakuloa is an area of great natural importance
11 as the habitat for native species of plants and animals, many of
12 which are protected or endemic; and
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14 WHEREAS, since 1964, the United States Army has leased
15 approximately twenty-three thousand acres of state public trust
16 land as part of the Pohakuloa training area where it conducts
17 live-fire training and maneuver exercises; and
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19 WHEREAS, the United States Army's lease for the public
20 trust land that contains the Pohakuloa training area will expire
21 on August 16, 2029; and
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23 WHEREAS, on May 9, 2025, the Board of Land and Natural
24 Resources rejected the United States Army's final environmental
25 impact statement for its proposed retention and use of the
26 Pohakuloa training area; and
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28 WHEREAS, in a letter to the United States Secretary of the
29 Army Dan Driscoll dated October 29, 2025, following consultation
30 with federal departments regarding training in the State by the
31 United States Army, Governor Josh Green requested a settlement
32 worth approximately \$10,000,000,000 should the United States



1 Army pursue condemnation of state lands in the Pohakuloa
2 training area; and

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4 WHEREAS, the United States Congress has clearly stated: "We
5 are concerned that the Army may pursue condemnation in 2025
6 prior to the 2029 land lease deadline in the vicinity of the
7 [Pohakuloa training area] before it has fully expended the
8 opportunity for negotiation or achieved a coordinated
9 compensation package within the various agencies of the
10 executive branch. We note that the Army does not have the
11 authority to acquire such lands and that attempting to do so
12 would be contrary to congressional intent," in its Joint
13 Explanatory Statement to Accompany the National Defense
14 Authorization Act for Fiscal Year 2026; and

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16 WHEREAS, the power of states and state sovereignty are
17 enshrined in the United States Constitution; and

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19 WHEREAS, the seizure of state land by the federal
20 government without prior consent is extremely rare in the
21 history of the United States; and

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23 WHEREAS, the State has existing, valid, and frequently-used
24 legal processes for the disposition of land; and

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26 WHEREAS, the State owes a fiduciary duty to native
27 Hawaiians and the general public of the State with respect to
28 state public trust land, including Pohakuloa, pursuant to
29 articles XI and XII of the Hawaii State Constitution; now,
30 therefore,

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32 BE IT RESOLVED by the Senate of the Thirty-third
33 Legislature of the State of Hawaii, Regular Session of 2026, the
34 House of Representatives concurring, that this body staunchly
35 opposes the use of, and any threats of the use of, condemnation
36 by the United States government, or its subdivisions, to take
37 any land of the State, including the land subject to the
38 expiring lease for the Pohakuloa training area; and

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40 BE IT FURTHER RESOLVED that this body believes the
41 protection afforded by the United States Constitution to state
42 laws and legal processes relating to land disposition should be



S.C.R. NO. 25

1 respected and the appropriate mechanism for the transaction of
2 land between the federal government and the State is not
3 condemnation; and

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5 BE IT FURTHER RESOLVED that this body encourages the State
6 to undertake all efforts necessary to fulfill its fiduciary
7 duties to native Hawaiians and the general public of the State
8 with respect to Pohakuloa; and

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10 BE IT FURTHER RESOLVED that certified copies of this
11 Concurrent Resolution be transmitted to the Chairperson of the
12 Board of Land and Natural Resources and members of the State's
13 congressional delegation.

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16 OFFERED BY: _____

A handwritten signature in black ink, appearing to be 'JGC', is written over a horizontal line that serves as a signature line.