

FEB 24 2026

SENATE RESOLUTION

OPPOSING CONDEMNATION OR THREATS OF CONDEMNATION BY THE FEDERAL
GOVERNMENT TO TAKE CONTROL OF POHAKULOA 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
33 Army pursue condemnation of state lands in the Pohakuloa
34 training area; and



1 WHEREAS, the United States Congress has clearly stated: "We
2 are concerned that the Army may pursue condemnation in 2025
3 prior to the 2029 land lease deadline in the vicinity of the
4 [Pohakuloa training area] before it has fully expended the
5 opportunity for negotiation or achieved a coordinated
6 compensation package within the various agencies of the
7 executive branch. We note that the Army does not have the
8 authority to acquire such lands and that attempting to do so
9 would be contrary to congressional intent," in its Joint
10 Explanatory Statement to Accompany the National Defense
11 Authorization Act for Fiscal Year 2026; and
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13 WHEREAS, the power of states and state sovereignty are
14 enshrined in the United States Constitution; and
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16 WHEREAS, the seizure of state land by the federal
17 government without prior consent is extremely rare in the
18 history of the United States; and
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20 WHEREAS, the State has existing, valid, and frequently-used
21 legal processes for the disposition of land; and
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23 WHEREAS, the State owes a fiduciary duty to native
24 Hawaiians and the general public of the State with respect to
25 state public trust land, including Pohakuloa, pursuant to
26 articles XI and XII of the Hawaii State Constitution; now,
27 therefore,
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29 BE IT RESOLVED by the Senate of the Thirty-third
30 Legislature of the State of Hawaii, Regular Session of 2026,
31 that this body staunchly opposes the use of, and any threats of
32 the use of, condemnation by the United States government, or its
33 subdivisions, to take any land of the State, including the land
34 subject to the expiring lease for the Pohakuloa training area;
35 and
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37 BE IT FURTHER RESOLVED that this body believes the
38 protection afforded by the United States Constitution to state
39 laws and legal processes relating to land disposition should be
40 respected and the appropriate mechanism for the transaction of
41 land between the federal government and the State is not
42 condemnation; and



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

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

OFFERED BY: _____

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to be the initials 'JSC'.