



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT WITH AMENDMENTS OF HOUSE CONCURRENT RESOLUTION
199 / HOUSE RESOLUTION 189**

REQUESTING THE PRESIDENT OF THE UNITED STATES TO RETURN TO THE STATE ALL RECREATIONAL FACILITIES ON HAWAII PUBLIC LANDS THAT ARE NO LONGER REQUIRED FOR THE DEFENSE OF THE UNITED STATES, INCLUDING FORT DERUSSY AND THE HALE KOA HOTEL, PURSUANT TO THE HAWAII ADMISSION ACT, AND AS FURTHER REQUIRED BY PUBLIC LAW 88-233.

Ke Kōmike Hale of ka Wai a me ka ‘Āina
House Committee on Water and Land

Ke Kōmike Hale o ka Palekana Lehulehu
House Committee on Public Safety

Ke Kapikala o Hawai‘i

March 31, 2026

10:00AM

Lumi 411

Aloha e Chairs Hashem and Belatti, Vice Chairs Morikawa and Iwamoto, and Members of the House Committees on Water and Land and Public Safety:

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS HCR199/HR189**, which requests the United States to return all federally retained lands held by the U.S. military but no longer needed for a military purpose to the State of Hawai‘i pursuant to Public Law 88-233.

OHA strongly supports the intent of this bill but proposes friendly amendments to ensure that the public land trust working group (PLTWG) maintains its separate and independent focus on public land trust lands currently held by the State, as set forth in Act 226 (2022). While an inventory and assessment of the fair market value of lands currently held by the U.S. military (whether in fee or by lease) is an important data point for both the State and OHA, the PLTWG—already constrained by unfilled gubernatorial appointee vacancies since last year—cannot currently support tasks beyond its scope of work set in law. Another body with its own funding should be established to complete this important task with appropriate funding commensurate with the significance of this issue: return of crown and government lands set aside to or taken by the United States.

Established pursuant to the terms of Section 5 of the Admissions Act, the Hawai‘i State Constitution, Article XII, and HRS Chapter 10, OHA serves as a semiautonomous agency and trust vehicle for the betterment of the conditions Native Hawaiians. As co-trustee of the public land trust with the State of Hawaii, OHA shares the duty “to protect and maintain” the public

land trust and “regulate its use.” *Ching v. Case*, 145 Haw. 148, 176-77, 449 P.3d 1146, 1174-75 (2019). Moreover, OHA has a paramount interest in preserving the corpus of the crown and government lands of the Hawaiian kingdom until a resolution of Native Hawaiians’ unrelinquished claims to these lands, including sovereignty and governance over a land base. Thus, OHA has an interest in seeking return of crown and government lands held by the U.S. military as set forth in this resolution to both preserve and assert Native Hawaiian claims to these lands.

OHA agrees that lands that no longer serve a defense purpose and are instead used for recreation are surplus and should be returned to the State of Hawai‘i under Public Law 88-233, and added to the public land trust, Haw. Const. Art. XII, section 4, for the benefit of Native Hawaiian and the general public. The federal government’s retention of former crown and government lands for non-defense purposes is inconsistent with both the letter and the spirit of the Admissions Act and the trust responsibilities it owes to the people of Hawai‘i. Moreover, retention of lands for purely recreational, non-defense purposes deprives Hawai‘i residents of regular access to wahi pana across the State, to which Native Hawaiians in particular have lineal, cultural, and historic ties.

Stewardship and use of these lands should be addressed in a manner that reflects the State’s trust responsibilities while also recognizing OHA’s distinct constitutional role. In particular, return of federal surplus land presents an important opportunity to evaluate which lands should more appropriately be returned to OHA—especially those crown and government lands historically taken without Native Hawaiian input and prior to OHA’s establishment to ensure constitutionally mandated representation. Such an approach helps advance the State’s pro rata funding obligations to Native Hawaiians, Haw. Const. Art. XII, § 6, and contributes to satisfaction of other outstanding claims of Native Hawaiians, consistent with HRS § 10-3(5), which identifies OHA as a “receptacle for reparations”.

Finally, OHA is concerned that this resolution is directed at the President of the United States, rather than the Administrator of General Services. In Public Law 88-233, the Administrator is the designated authority to determine whether property is surplus. Given the current political situation, and not wishing to inflame relationships between Hawai‘i and the President, OHA respectfully suggests that this resolution be directed towards the Administrator, as is consistent with the current legal pathway.

For the reasons stated above, OHA respectfully urges this committee to PASS HCR199/HR189 with the following amendments:

- Page 8, line 14-15: Delete the language designating the PLTWG as the implementing body for the market value assessment; and
- Substitute the Administrator for the President where appropriate.

Mahalo nui for the opportunity to testify on this critical issue. Please note this testimony represents a recommendation by OHA leadership that is subject to full Board approval.



Environmental Caucus of The Democratic Party of Hawai'i

TESTIMONY IN SUPPORT OF HCR199 / HR189 - REQUESTING THE PRESIDENT OF THE UNITED STATES TO RETURN TO THE STATE ALL RECREATIONAL FACILITIES ON HAWAI'I PUBLIC LANDS THAT ARE NO LONGER REQUIRED FOR THE DEFENSE OF THE UNITED STATES, INCLUDING FORT DERUSSY AND THE HALE KOA HOTEL, PURSUANT TO THE HAWAI'I ADMISSION ACT AND PUBLIC LAW 88-233

**House Committees on Water & Land (WAL) and Public Safety (PBS)
WAL Chair Hashem, Vice Chair Moriwaki, PBS Chair Belatti, Vice Chair Iwamoto,
and Honorable Members of the Committees**

Date: Tuesday, March 31, 2026

Time: 10:00 AM

Place: Conference Room 411 & Videoconference

Aloha, Chairs, Vice Chairs, and Members of the Committees:

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports HCR199 / HR189.

1. This Resolution Enforces the Requirements of the Hawai'i Admission Act and Public Law 88-233

The resolution correctly identifies that federal agencies are required to return former crown and government lands to the State when they are no longer needed for the defense of the United States. HCR199 / HR189 cites this statutory obligation directly and requests compliance with the law as written.

The Environmental Caucus supports this request because it advances (1) the State's constitutional public trust duties, (2) the proper administration of ceded lands, and (3) the restoration of State authority over lands intended to benefit the people of Hawai'i.

2. Fort DeRussy and the Hale Koa Hotel Are Not Defense-Critical Facilities

The resolution documents that Fort DeRussy has not served a military defense purpose since 1942, when the Army redesignated the installation as a rest and recuperation center. The coastal artillery batteries were placed on standby in 1943, declared surplus in 1944, and decommissioned by 1946.

The Hale Koa Hotel, constructed in 1975, operates as a commercial resort on nine acres of prime Waikīkī shoreline and pays no transient accommodations tax, no general excise tax, no property tax, and no rent to the State or the public land trust.

These facts demonstrate that the lands are not required for national defense and therefore must be returned under federal law.

3. Returning These Lands Restores Public Trust Resources to the People of Hawai'i

The resolution identifies that Fort DeRussy and other recreational military facilities sit on former crown and government lands that were historically taro patches, fishponds, freshwater springs, and cultural landscapes of the Kalia district.

Returning these lands would: (1) restore State stewardship over ceded lands, (2) ensure revenues benefit public trust beneficiaries, (3) support cultural restoration and public shoreline access, and (4) align land use with Hawai'i's environmental and community priorities.

4. The Resolution Is Consistent With Longstanding Bipartisan Advocacy

HCR199 / HR189 cites testimony from Senator Daniel K. Inouye, Senator Hiram L. Fong, and Governor John A. Burns, all of whom affirmed that these lands were held in trust for the people of Hawai'i and were expected to be returned when no longer needed for defense.

The Environmental Caucus supports this resolution because it continues this bipartisan legacy and upholds the State's fiduciary obligations.

5. The Environmental Caucus Supports the Return of All Non-Defense Federal Recreational Lands

The resolution identifies numerous federally controlled recreational facilities across the islands — including Bellows, Pīlīlaau, Barbers Point, Kīlauea Military Camp, and others — that operate exclusively for a restricted class of patrons on ceded lands. None are essential for national defense.

Returning these lands would: (1) expand public access, (2) support environmental restoration, (3) improve shoreline management, and (4) ensure revenues benefit the public land trust and Native Hawaiian beneficiaries.

Conclusion

For these reasons, the Environmental Caucus of the Democratic Party of Hawai'i strongly supports HCR199 / HR189 and respectfully urges the Committees to pass this measure.

Mahalo nui loa for the opportunity to testify.

Alan Burdick, Co-Chair, burdick808@gmail.com

Mike Ewall, Co-Chair, mike@energyjustice.net

Melodie Aduja, Co-Chair *Emerita*, Legislativepriorities@gmail.com

Environmental Caucus Democratic Party of Hawai'i



Testimony in Support of H.C.R. No. 199

Submitted to the Hawaii House of Representatives
Committees on Water & Land and Public Safety
Thirty-Third Legislature, Regular Session 2026

Aloha Chairs, Vice Chairs, and Members of the Committees,

We write in strong support of House Concurrent Resolution No. 199, requesting the President of the United States to return federal recreational facilities on Hawai'i public lands, including Fort DeRussy and the Hale Koa Hotel, to the State of Hawaii pursuant to the Hawaii Admission Act and Public Law 88-233.

The case for return is compelling on legal, historical, and moral grounds.

Fort DeRussy has not served a legitimate military defense purpose since 1942, when the Army itself redesignated it as a rest and recuperation center. The coastal artillery batteries were declared surplus by 1944 and decommissioned by 1946. For over eighty years, these nine acres of prime Waikiki beachfront have operated exclusively as a commercial hospitality enterprise—the Hale Koa Hotel—competing directly with Hawaii's visitor industry while paying no transient accommodations tax, no general excise tax, no property tax, and no rent to the State or to the public land trust. This arrangement is inequitable and legally indefensible.

The legal framework for return is clear. Section 5(e) of the Admission Act, P.L. 86-3, establishes a mechanism for the conveyance of retained crown and government lands to the State when they are no longer needed by the United States. Public Law 88-233 ensures that the mechanism remains operative. As Senator Daniel K. Inouye testified in 1963, these lands "were held in trust by the federal government for the people of Hawaii, with the eventual hope that they would be returned, when federal need was not present." That federal need has long since ceased to exist.

The continued federal occupation of these former crown and government lands without payment of fair market rent to the public land trust, or to the Office of Hawaiian Affairs for the benefit of Native Hawaiians, constitutes both a breach of fiduciary duty and, under the principles established in *Loretto v. Teleprompter* and *Cedar Point Nursery v. Hassid*, a per se taking under the Fifth Amendment.

Beyond the legal arguments, there is a matter of basic fairness. At annexation, the federal government acquired approximately 1,800,000 acres of crown and government



lands. At statehood, the Territory gave an additional 410,000 acres. In return, Hawai'i asked only that lands no longer serving a legitimate federal purpose be returned. That modest expectation has gone largely unmet for over sixty years.

H.C.R. No. 199 does not diminish the contributions of our military service members, whom we honor and respect. It simply asserts what the framers of the Admission Act intended: that lands held in trust for the people of Hawaii should be returned to that trust when they are no longer needed for the defense of the United States.

The time for that return is long overdue. I urge the Legislature to pass this resolution and call on the President to act.

Mahalo for the opportunity to testify.



Cade Watanabe, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Eric W. Gill, Senior Vice-President

March 30, 2026

House Committee on Water & Land
Rep. Mark Hashem, Chair
Rep. Dee Morikawa, Vice Chair

House Committee on Public Safety
Rep. Della Au Belatti, Chair
Rep. Kim Coco Iwamoto, Vice Chair

Testimony With Comments on HCR 199 / HR 189

Chairs Hashem and Belatti, Vice Chairs Morikawa and Iwamoto, and Committee Members:

UNITE HERE Local 5 represents over 10,000 working people in the hotel, food service and health care industries across Hawaii.

We agree with the intent of HCR199/HR189 to return Fort DeRussy and the land under Hale Koa Hotel back to Hawai'i. If this were to happen, it is very important that there be a future for the hundreds of hard-working hotel workers at Hale Koa, in terms of both employment and benefits. We would urge a program to mitigate impacts on them.

Until 2025, the 600+ workers at Hale Koa were part of Local 5. This changed after the President issued Executive Order 14251 on March 27, 2025, suspending collective bargaining rights for hundreds of thousands of federal workers, including Hale Koa Hotel workers.ⁱ The Executive Order claimed that it was necessary to take away their union rights for national security reasons. Local 5 requested that the Secretary of Defense make an exception for Hale Koa, which he was granted authority to do under Section 4 of the Executive Order, but he declined to do so.

Several unions challenged the Order, and litigation is ongoing; however, as of February 12, 2026, the Office of Personnel Management has advised agencies to move forward with terminating their collective bargaining agreements with unions.ⁱⁱ

Workers at Hale Koa and across the federal government have lost or are threatened with the loss of workplace democracy. We would ask that if Fort DeRussy and Hale Koa were to be transferred back to Hawai'i, that Hale Koa workers have a voice, a secure future, and a seat at the table.

Thank you.

ⁱ <https://www.whitehouse.gov/presidential-actions/2025/03/exclusions-from-federal-labor-management-relations-programs/>
ⁱⁱ <https://www.opm.gov/chcoc/latest-memos/implementation-of-executive-orders-14251-and-14343.pdf>

Testimony in Support of HCR 199 / HR 189
House Concurrent Resolution Requesting the Return of Certain Federal Lands to the
State of Hawai'i
House Committees on Water & Land, and Public Safety
Tuesday, March 31, 2026 at 10:00 a.m.

Aloha Chairs Hashem and Belatti, Vice Chairs Morikawa and Iwamoto, and Members of the Committees:

My name is Elmer Ka'ai, and I respectfully submit this personal testimony in strong support of HCR 199 / HR 189.

At its core, this measure is about fairness, responsibility, and honoring long-standing commitments to the people of Hawai'i.

HCR 199 / HR 189 asks a simple but important question: if certain lands are no longer needed for national defense, should they be returned to the people of Hawai'i as originally intended? For many in our community, the answer is yes.

This resolution focuses on lands such as Fort DeRussy and the Hale Koa Hotel—areas that are currently being used for recreational and commercial purposes rather than active military defense. These facilities operate in ways similar to private enterprises, yet they do not contribute tax revenue or fair market compensation to the State or the public land trust, despite being situated on lands originally held for the benefit of the people of Hawai'i.

From a community perspective, this raises concerns about equity, stewardship, and accountability. These lands were entrusted with the understanding that they would be returned when no longer needed for federal purposes. Federal law, including the Hawai'i Admission Act, provides a clear mechanism for this return when appropriate.

This measure also recognizes the deep cultural and historical significance of these lands. The Kalia area in Waikīkī—now home to Fort DeRussy—was once a thriving landscape of freshwater systems, lo'i kalo, and fishponds before being altered for military use. The potential to restore access, cultural connection, and responsible stewardship is meaningful to many in our community, particularly Native Hawaiians who are beneficiaries of the public land trust.

Importantly, this resolution does not diminish the respect and gratitude we hold for the men and women of the United States Armed Forces. Rather, it draws a reasonable distinction between lands required for national defense and those that are not. HCR 199 / HR 189 simply requests a review and return of lands that no longer serve a defense purpose—consistent with both federal law and the original intent at statehood.

The return of these lands presents an opportunity to:

- Increase public access to shoreline and open spaces;

- Support cultural restoration and preservation;
- Generate revenue for public trust purposes, including education and Native Hawaiian programs; and
- Ensure these lands benefit all the people of Hawai'i, rather than a limited group.

HCR 199 / HR 189 represents a thoughtful and lawful step toward aligning land use with community needs, historical commitments, and public trust responsibilities.

For these reasons, I respectfully urge your support of this measure.

Mahalo for the opportunity to testify.

HR-189

Submitted on: 3/28/2026 7:34:43 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, Support w/continue MILITARY DISCOUNTS AT ALL HOTEL/RESORT ACCOMODATIONS

91 HCR REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND DEPARTMENT OF EDUCATION TO COLLABORATE TO ESTABLISH A FORMAL, LONG-TERM COLLABORATIVE PROGRAM TO EXPAND, EQUITABLY DISTRIBUTE, AND SUSTAIN TREE-CANOPY COVERAGE ACROSS PUBLIC SCHOOLS STATE WIDE.

HR-189

Submitted on: 3/29/2026 2:13:25 PM

Testimony for WAL on 3/31/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. The military takes good care of these facilities, in some cases, better than the civilian next door.

HR-189

Submitted on: 3/30/2026 8:50:47 AM

Testimony for WAL on 3/31/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susan Gorman-Chang	Individual	Support	Remotely Via Zoom

Comments:

March 30, 2026

HCR 199: Strong Support

Aloha,

Mahalo nui to the introducers of this bill, namely HUSSEY, GRANDINETTI, IWAMOTO, PERRUSO, POEPOE. I appreciate how well HCR 199 lays out the history, the law and the injustice that has been going on in plain site and before our eyes for decades and decades in regards to the land that is controlled and used by the military as a playground for their and their families exclusive use, most notable “Fort” DeRussy Military Reservation including the Hale Koa Hotel.

It is insult on top of injury to all residents of O’ahu, and especially to Native Hawaiians, that in addition to the land the military has “leased” for \$1 (for training) that they also constructed a Hale Koa Hotel in Waikiki for the exclusive use of military personnel and their families thus creating a caste system of who can (military) and who cannot (Native Hawaiians, residents of Hawaii) enjoy and experience and malama this land. Historically these lands contained fishponds, freshwater springs and wetlands which was destroyed by the Army, drained and filled in to put up the current structures.

This is a long overdue injustice that needs to be named, acknowledged, and made pono.

I am in strong support of HCR 199. Please pass this measure.

Susan Gorman-Chang

Ewa Beach, HI