



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**TESTIMONY IN SUPPORT OF SENATE CONCURRENT RESOLUTION 25 / SENATE  
RESOLUTION 22**

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

Ke Kōmike ‘Aha Kenekoa o ka Palekana Lehulehu a me ke Kuleana Pū‘ali Koa  
(Senate Committee on Public Safety and Military Affairs)

Ke Kōmike ‘Aha Kenekoa o ka Ikehu a me ka Pilina o Nā Aupuni  
(Senate Committee on Energy and Intergovernmental Affairs)

Ke Kapikala o Hawai‘i  
(Hawai‘i State Capitol)

Malaki 31, 2026

3:00 PM

Lumi 224

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Aloha e Chairs Fukunaga and Wakai, Vice Chairs Lee and Chang, and Members of the Senate Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SCR25/SR22**, which opposes condemnation of Pōhakuloa and any state lands by the federal government.

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 of Native Hawaiians. Under Article XII, section 4 of the Hawai‘i Constitution, OHA shares with the State of Hawai‘i the duty “to protect and maintain” the public land trust and “regulate its use.” *Ching v. Case*, 145 Haw. 148, 176-177, 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 a clear interest in opposing permanent alienation of Hawaiian Kingdom and public trust lands through condemnation or any other mechanism that would permanently dispossess native Hawaiians of ‘āina and legal rights in that ‘āina.

Pōhakuloa Training Area is comprised of crown and government lands and thus comprises part of the public land trust protected by Article XII, section 4. It must be managed by the State and OHA on behalf of the general public and native Hawaiian beneficiaries of the public land trust, and historical governance claims to this land must be preserved. Moreover, Pōhakuloa is a wahi pana of profound historical, cultural, and genealogical significance to Native Hawaiians. This ‘āina is known to be a resting place of iwi kūpuna and contains numerous irreplaceable surface and subterranean archaeological sites. In addition to its cultural importance, Pōhakuloa is an ecologically sensitive landscape that serves as habitat for various endemic species including some found only in this area.

OHA is deeply concerned by any suggestion that condemnation may be used by the federal government to circumvent existing legal obligations, including to complete environmental review of any proposed use and retention of Pōhakuloa under the Hawai‘i Environmental Policy Act, Hawai‘i Revised Statutes Chapter 343. The use of condemnation is inconsistent with both the letter and the spirit of the Admissions Act and the trust responsibilities that the federal government owes to the people of Hawai‘i.

OHA has maintained that decisions regarding the future of Pōhakuloa and all other lands leased to the federal government and the military must include a robust, transparent, and meaningful process for consultation with Native Hawaiians. Condemnation constitutes a rejection of the duty to meaningfully consult with Native Hawaiians and circumvents the State’s separate legal processes to ensure accountability, public transparency, and cultural due diligence when dealing with public lands.

For the reasons stated above, OHA respectfully urges this committee to **PASS SCR 25/SR22**.

Mahalo nui for the opportunity to testify on this critical issue.



Testimony in Support of S.C.R. No. 25 / S.R. No. 22

**Opposing Condemnation or Threats of Condemnation by the Federal Government to Take Control of Pohakuloa and Any State Land**

Submitted to: The Senate of the Thirty-Third Legislature, State of Hawaii, 2026  
Committees on Public Safety and Military Affairs & Energy and Intergovernmental Affairs

Position: **SUPPORT**

Aloha Chairs and Members of the Committees,

I write in strong support of S.C.R. No. 25 and S.R. 22, which oppose the use of federal condemnation to seize state land at Pohakuloa and elsewhere in Hawaii.

Pohakuloa is not simply a parcel of land; it is sacred 'āina, a resting place for iwi kūpuna, and a living ecosystem home to native and endemic species. The State of Hawaii holds this land in public trust, with a constitutionally mandated fiduciary duty to Native Hawaiians and the general public. That obligation should not be bypassed through federal condemnation.

The U.S. Army's lease does not expire until 2029, and meaningful negotiation remains possible. As Congress itself noted in the Joint Explanatory Statement to the FY2026 National Defense Authorization Act, the Army lacks the authority to acquire these lands through condemnation, and doing so would be contrary to congressional intent. There is no justification for circumventing the State's established legal processes for land disposition.

The seizure of state land by the federal government without prior consent is extraordinarily rare and would set a deeply troubling precedent—not only for Hawaii, but for state sovereignty across the nation. The Tenth Amendment and the broader constitutional framework exist precisely to prevent this kind of federal overreach.

The State has a clear path forward: fulfill its fiduciary duties, engage in good-faith negotiation, and resist any attempts to shortcut that process through condemnation. This resolution sends an important and necessary message that Hawai'i will not allow its sacred lands and public trust obligations to be swept aside.

I respectfully urge the Legislature to pass S.C.R. No. 25 and its corresponding S.R. No. 22.

Mahalo for the opportunity to testify.

**SR-22**

Submitted on: 3/27/2026 9:41:25 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James Jay Kaleimamahu Crowningburg Maioho	Testifying for Kia'i Iwi Alaka'i	Support	In Person

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am writing in **strong support of SCR25**.

This resolution takes a clear and necessary position: that the federal government must not use, or threaten to use, condemnation to take control of state lands, including Pohakuloa.

Pohakuloa is not simply land. It is sacred aina, a place of deep cultural significance, a known resting place of iwi kupuna, and an area tied to the traditional practices and identity of kanaka o'iwi.

It is also part of the public trust.

The State of Hawaii carries a fiduciary obligation to protect these lands for Native Hawaiians and for the people of Hawaii. That duty is not optional, and it cannot be bypassed through federal overreach.

SCR25 correctly recognizes several critical realities:

- The United States Army lease at Pohakuloa is set to expire in 2029;
- The Board of Land and Natural Resources has already rejected the Army's final environmental impact statement;
- Congress itself has expressed concern that condemnation would be inappropriate and contrary to intent;

Against that backdrop, any attempt to pursue condemnation would not only undermine the State's authority—it would disregard the trust responsibilities owed to Native Hawaiians and the broader public.

This resolution affirms an essential principle:

**State lands must be managed through lawful, transparent processes—not through coercion or forced taking.**

It also reinforces that negotiation—not condemnation—is the appropriate path forward.

From a cultural perspective, the stakes are even higher.

Pohakuloa is a wahi pana. It holds history, burials, and connections that cannot be quantified or replaced. Any action that disregards that reality risks permanent and irreversible harm.

SCR25 is not simply a policy statement.

It is a declaration that Hawaii will uphold its kuleana—to its lands, to its people, and to its kupuna.

I respectfully urge this Committee to pass SCR25.

Mahalo for the opportunity to provide testimony.

Respectfully,  
**James Maioho**  
Kia'i Iwi Alaka'i

**SR-22**

Submitted on: 3/25/2026 10:50:47 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am testifying in support of SCR25.

I agree that the federal government should be utilizing existing mechanisms and playing by their own rules prior to condemn of Pohakuloa land for military training.

In this same manner, no government entity or public servant, including the Governor, should not be agreeing, supporting, or suggesting that condemnation be used for this or any other situation relating to military leases. The only messaging that should be employed relating to the military lease discussions should be to follow the current policies and procedures.

To be clear, if following the established processes and procedures results in not renewing military leases, due to negative community and environmental impact, then I agree with that decision as well. The process, however, needs to be followed.

Mahalo,  
Keoni Shizuma

**SR-22**

Submitted on: 3/27/2026 8:08:00 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dee Green	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR25 and SR22 in opposing any condemnation or threats of condemnation by the federal government to take control of Pōhakuloa and state lands. Pōhakuloa is a sacred and culturally vital place, home to iwi kūpuna and essential to the exercise of traditional practices, and it must be protected in line with the State's public trust responsibilities. The State of Hawai'i must retain authority over these lands and uphold its duty to Native Hawaiians and the people of Hawai'i.

**SR-22**

Submitted on: 3/27/2026 8:30:33 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Summer P Noland	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR25

**SR-22**

Submitted on: 3/27/2026 5:32:27 PM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sheena Lopes	Individual	Support	Written Testimony Only

Comments:

Strongly support! Our lands must be steward by the people who know it best. Threats of condemnation to acquire lands only shows us why those who are threatening it do not belong "managing" it. Keep Hawaiians lands in Hawaiian hands.

**SR-22**

Submitted on: 3/27/2026 6:20:37 PM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members

I support this resolution.

Pōhakuloa is sacred ‘āina with deep cultural and spiritual significance to Native Hawaiians. It is a place where iwi kūpuna are present and where traditional practices continue today. That ‘ike and connection deserve respect and protection.

Those of us who care for this place have a responsibility to stand in aloha ‘āina and ensure these lands are not taken or controlled in ways that disregard their importance and the people who hold them sacred.

Condemnation—whether threatened or carried out—is unacceptable. It undermines the State’s responsibility to protect public trust lands and to honor the rights of Native Hawaiians.

I urge adoption of this resolution.

Cheryl Burghardt

Nuuanu Oahu

**SR-22**

Submitted on: 3/27/2026 9:27:03 PM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cassandra Chee	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR25.

**SR-22**

Submitted on: 3/28/2026 6:03:28 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary Christa SMith	Individual	Support	Written Testimony Only

Comments:

I strongly support SCR25

Mahalo

**SR-22**

Submitted on: 3/28/2026 9:59:47 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

strong support

**SR-22**

Submitted on: 3/29/2026 6:01:55 AM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
melissa tomlinson	Individual	Support	Written Testimony Only

Comments:

i STRONGLY support Opposing any declaration of condemnation of Pōhakuloa and any threats or attempts to proclaim control or seize ANY State Lands, including Pōhakuloa.

These lands must be returned to the Kingdom of Hawai‘i and restorative efforts bolstered - funded by the U.S. Military. Too much Harm has been done in the lies of "self defense" to allow the abusers, perpetrators, and Occupiers to remain.

The need for this to be supported is Global and you are responsible for ensuring the future generations sees a world without war/genocide. You are responsible for ensuring a future that isn't poisoning us. You are positioned to enact accountability and either help heal our world or help destroy it. I hope the bullets and the bombs make it clear which is which.

demilitarization is NECESSARY.

Support SCR25 and all other Bills that will support the Protection and Return of Pōhakuloa and all other lands related to military occupation.

## **Support Testimony for SR22 and SCR25**

March 30, 2026

R. Kana'i Gomes

Honolulu, O'ahu

Email: rkgomes@gmail.com

Phone: 808-348-4074

The Honorable Members of the Senate

The Honorable Members of the House of Representatives

State of Hawai'i Capitol

415 South Beretania Street

Honolulu, Hawai'i 96813

### **Re: Strong Support for SR22 and SCR25 (Opposing Federal Condemnation of Pohakuloa and Any State Land)**

Dear Chair, Vice Chair, and Honorable Members,

I write in strong support of SR22 and SCR25, as written, and I urge you to adopt both measures.

As a Native Hawaiian private citizen residing in Honolulu on O'ahu and a Kumu Hula, I oppose any federal condemnation or threat of condemnation of Pohakuloa or any other State land. Pohakuloa is sacred 'āina, a resting place for iwi kūpuna, and a site of ongoing traditional and customary practices, as well as a unique habitat for native and endemic species. Federal condemnation would further alienate Native Hawaiians from ancestral lands and undermine the State's constitutional fiduciary duties to Native Hawaiians and the public.

I also strongly oppose condemnation because it would set a dangerous precedent. If the federal government is allowed to seize State public trust lands at Pohakuloa over the objections of the State and its people, it could open the door to similar actions against other lands across Hawai'i. Such a precedent would erode state sovereignty and disregard existing state land disposition processes.

SR22 and SCR25 state that the United States Army's lease for approximately twenty-three thousand acres at the Pohakuloa Training Area expires on August 16, 2029, that the Board of Land and Natural Resources rejected the Army's final environmental impact statement on May 9, 2025, and that Congress expressed concern about condemnation before lawful

negotiation is exhausted. The measures further declare that condemnation is not the appropriate mechanism for land transactions between the federal government and the State.

From the perspective of a Kumu Hula and Native Hawaiian, the way we treat 'āina reflects our deepest values. Condemnation of these lands would be a profound cultural injury, not merely a legal act. Protecting Pohakuloa is a matter of justice, kuleana, and aloha for our kūpuna, our keiki, and generations yet to come.

For these reasons, I respectfully urge you to pass SR22 and SCR25 without weakening amendments and to stand firmly against any federal attempt to condemn State public trust lands at Pohakuloa or elsewhere in Hawai'i.

Mahalo nui,

R. Kana'i Gomes

**SR-22**

Submitted on: 3/30/2026 4:32:04 PM

Testimony for PSM on 3/31/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dylan Ramos	Individual	Support	Written Testimony Only

Comments:

Aloha,

As a lifelong resident of Hawai'i, I STRONGLY SUPPORT this measure in defense of the 'āina and Hawai'i's sovereignty.

Mahalo,

Dylan Ramos

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