
A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that article XI,
2 section 1, of the Hawaii State Constitution provides that "for
3 the benefit of present and future generations, the State and its
4 political subdivisions shall conserve and protect Hawaii's
5 natural beauty and all natural resources, including land, water,
6 air, minerals and energy sources, and shall promote the
7 development and utilization of these resources in a manner
8 consistent with their conservation and in furtherance of the
9 self-sufficiency of the State. All public natural resources are
10 held in trust by the State for the benefit of the people."
11 Accordingly, the legislature believes that public lands should
12 be managed in the spirit of mālama 'āina, which calls for us to
13 care for the environment that sustains us and of which we are
14 also a part.

15 The legislature further finds that the military's use of
16 public lands has been inconsistent with the principle of mālama
17 'āina. The legacy of the military's use of Kaho'olawe, Mākua,



1 Pōhakuloa, and Waikāne are well-known and tragic. For example,
2 the Navy failed to clear all unexploded ordnance from Kaho'olawe.
3 A federal court concluded that the Army "failed to use good
4 faith efforts to develop a plan and secure funding for clearing
5 unexploded ordnance from the high priority sites that the Army
6 was supposed to identify" in Mākua pursuant to a settlement
7 agreement. Portions of state land at Pōhakuloa are, according
8 to a state circuit court, heavily contaminated with material
9 that presents an explosive hazard and significant danger to
10 public health and welfare, with the court holding in part that
11 "The State of Hawaii is the trustee of these public lands in the
12 public trust. The trustee of the public lands trust has the
13 highest duty to preserve and maintain the trust lands. This
14 duty is broadly coined in the concept of mālama 'āina - to care
15 for the land."

16 The legislature additionally finds that there are four
17 sixty-five year leases to public lands given to the military at
18 Mākua, Kahuku, Poamoho, and Pōhakuloa that are set to expire in
19 2029. As such, it is necessary to evaluate the impact of the
20 military's presence in Hawaii and develop a plan for remediating



1 and restoring public lands that have been damaged by military
2 activities.

3 The purpose of this Act is to require the department of
4 land and natural resources to develop a plan to reduce the
5 disposition of public lands for military activities, including
6 recommendations to remediate and restore public lands that have
7 been damaged by military activities, and convene an advisory
8 committee to make recommendations regarding the plan.

9 SECTION 2. The department of land and natural resources,
10 in consultation with the board of land and natural resources,
11 shall develop a plan to reduce the disposition of public lands
12 for military training and exercises. The plan shall include
13 recommendations for steps necessary to reduce the disposition of
14 public lands for military training and exercises and remediate
15 and restore public lands that have been damaged by military
16 activities.

17 SECTION 3. The department of land and natural resources
18 shall convene an advisory committee to make recommendations to
19 the department regarding development of the plan required by
20 section 2 of this Act. The members of the advisory committee
21 shall be appointed by the chairperson of the board of land and



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1 natural resources and include experts or community stakeholders
2 with extensive experience in environmental conservation, land
3 remediation and restoration, native Hawaiian customary rights,
4 the economic impact of the military's presence in the State, and
5 other stakeholders deemed appropriate by the chairperson of the
6 board of land and natural resources.

7 SECTION 4. The department of land and natural resources
8 shall submit an interim report to the legislature on the
9 progress of developing the plan and the membership of the
10 advisory committee convened pursuant to section 3 of this Act,
11 findings and recommendations of the advisory committee, and
12 timeline for completion of the plan required by section 2 of
13 this Act, no later than December 31, 2022.

14 SECTION 5. The department of land and natural resources
15 shall submit the plan required by section 2 of this Act,
16 including any proposed legislation, to the legislature no later
17 than twenty days prior to the convening of the regular session
18 of 2023.

19 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 22 2021



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Report Title:

Department of Land and Natural Resources; Public Lands; Military Activities; Plan; Advisory Committee

Description:

Requires DLNR to develop a plan to reduce the disposition of public lands for military activities and make recommendations regarding the remediation and restoration of public lands that have been damaged by military use. Requires DLNR to convene an advisory committee to provide recommendations regarding the plan. Requires reports to the legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

