
A BILL FOR AN ACT

RELATING TO MAKUA VALLEY.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 MAKUA VALLEY RESERVE

6 § -1 Administration of chapter. The Makua valley
7 reserve commission and the department of land and natural
8 resources shall administer this chapter.

9 § -2 Definitions. As used in this chapter, unless the
10 context otherwise requires:

11 "Commission" means the Makua valley reserve commission.

12 "Department" means the department of land and natural
13 resources.

14 "Valley reserve" means the area designated on the island of
15 Oahu as Makua valley, including the three ahupuaa of
16 Kahanahaiki, Makua, and Koiahi.



1 **§ -3 Reservation of uses.** (a) The valley reserve shall
2 be used for the following purposes subject to cancellation,
3 termination, or terms of existing lease:

4 (1) Preservation and practice of all rights customarily
5 and traditionally exercised by Native Hawaiians for
6 cultural, spiritual, and subsistence purposes;

7 (2) Preservation and protection of the valley reserve's
8 archaeological, historical, and environmental
9 resources;

10 (3) Rehabilitation, revegetation, habitat restoration, and
11 preservation; and

12 (4) Education.

13 (b) The valley reserve shall be reserved in perpetuity for
14 the uses enumerated in subsection (a). Commercial uses shall be
15 strictly prohibited.

16 **§ -4 Powers and duties.** The department and other
17 departments and agencies of the State shall be subject to the
18 oversight of the commission with regard to the control and
19 management of the valley reserve. Subject to section -6, the
20 department shall:

21 (1) Implement controls and permitted uses for the valley
22 reserve;



1 (2) Enforce this chapter; and

2 (3) Provide administrative support to the commission.

3 **§ -5 Commission.** (a) There is established the Makua
4 valley reserve commission to be placed within the department for
5 administrative purposes as provided in section 26-35. The
6 commission shall consist of seven members to be appointed in the
7 manner and to serve for the terms provided in section 26-34;
8 provided that:

9 (1) One member shall be a member of Malama Makua;

10 (2) One member shall be a member of Hui Malama O Makua;

11 (3) One member shall be a representative of families who
12 were evicted from the valley reserve or whose lands in
13 the valley reserve were condemned by the federal
14 government;

15 (4) One member shall be appointed by the governor from a
16 list provided by the Waianae coast community;

17 (5) One member shall be a trustee or representative of the
18 office of Hawaiian affairs;

19 (6) One member shall be the chairperson of the board of
20 land and natural resources, or the chairperson's
21 designee; and



1 (7) One member shall be appointed by the governor from a
2 list provided by Native Hawaiian organizations.

3 (b) The governor shall appoint the chairperson from among
4 the members of the commission.

5 (c) The members of the commission shall serve without pay
6 but shall be reimbursed for their actual and necessary expenses,
7 including travel expenses, incurred in carrying out their
8 duties.

9 (d) Any action taken by the commission shall be approved
10 by a simple majority of its members. Four members shall
11 constitute a quorum.

12 (e) The commission, without regard to the requirements of
13 chapter 76, may hire employees, including an executive director,
14 necessary to carry out its duties.

15 **§ -6 Responsibilities and duties of the commission.** The
16 general administration of the valley reserve shall rest with the
17 commission. In carrying out its duties and responsibilities,
18 the commission:

19 (1) Shall establish criteria, policies, and controls for
20 permissible uses within the valley reserve;

21 (2) Shall approve all contracts for services and rules
22 pertaining to the valley reserve;



- 1 (3) Shall provide advice to the governor, the department,
2 and other departments and agencies on any matter
3 relating to the valley reserve;
- 4 (4) Shall provide advice to the office of planning and the
5 department of the attorney general on any matter
6 relating to the federal conveyance of the valley
7 reserve;
- 8 (5) May enter into curator or stewardship agreements with
9 appropriate Hawaiian cultural and spiritual community
10 organizations for the perpetuation of Native Hawaiian
11 cultural, religious, and subsistence customs, beliefs,
12 and practices for the purposes stated in section -3;
- 13 (6) Shall advise the board of land and natural resources
14 and the land use commission with regard to
15 dispositions and approvals pertaining to the valley
16 reserve;
- 17 (7) Shall advise the city and county of Honolulu and its
18 agencies concerning coastal zone dispositions and
19 approvals pertaining to the valley reserve;
- 20 (8) Shall advise the appropriate island burial council and
21 the department with regard to proper treatment of



1 burial sites and human skeletal remains found in the
2 valley reserve;

3 (9) Shall adopt rules in accordance with chapter 91 that
4 are necessary for the purposes of this chapter and
5 shall maintain a record of its proceedings and
6 actions; and

7 (10) May delegate to the executive director or employees of
8 the commission, by formal commission action, such
9 power and authority vested in the commission by this
10 chapter as the commission deems reasonable and proper
11 for the effective administration of this chapter.

12 § -7 **Interim activities of the commission.** Prior to the
13 return of the valley reserve from the United States Army to the
14 State, the commission shall enter into discussions with the
15 United States Army to:

- 16 (1) Facilitate the expedient return of the valley reserve
- 17 upon the expiration of the United States Army's lease;
- 18 (2) Ensure the clean-up of unexploded ordnance; and
- 19 (3) Ensure the expansion of opportunities for cultural
- 20 access.

21 § -8 **Transfer.** Upon the expiration of the existing
22 lease, the resources of the valley reserve shall be held in



1 trust as part of the public land trust; provided that the State
2 shall transfer management and control of the valley reserve to
3 the sovereign Native Hawaiian entity upon its recognition by the
4 United States and the State.

5 All terms, conditions, agreements, and laws affecting the
6 valley reserve, including any ongoing obligations relating to
7 the clean-up of the valley reserve, shall remain in effect
8 unless expressly terminated.

9 § -9 **Makua valley rehabilitation trust fund.** (a) There
10 is created in the state treasury a trust fund to be designated
11 as the Makua valley rehabilitation trust fund to be administered
12 by the department with the prior approval of the commission.
13 Subject to this chapter:

14 (1) All moneys received from the federal government for
15 the rehabilitation and environmental restoration of
16 the valley reserve;

17 (2) Any moneys appropriated by the legislature to the
18 trust fund; and

19 (3) The interest or profit on investments earned from
20 moneys in the trust fund;

21 shall be deposited in the trust fund and shall be used to
22 fulfill the purposes of this chapter.



1 (b) The commission may use moneys in the trust fund to
2 carry out the purposes of this chapter, including hiring
3 employees, specialists, and consultants necessary to complete
4 projects related to the purposes of this chapter.

5 (c) Moneys deposited into or appropriated to the trust
6 fund shall remain available until they are obligated or until
7 the trust fund is repealed.

8 (d) The trust fund shall be repealed on July 1, 2045. The
9 commission shall transfer to the general fund of the State, all
10 unexpended or unencumbered balances remaining in the trust fund
11 on June 30, 2045; provided that all unexpended or unencumbered
12 balances of federal moneys shall be disbursed in accordance with
13 applicable federal law.

14 **§ -10 Severability.** If any provision of this chapter or
15 the application thereof to any person or circumstance is held
16 invalid, the invalidity shall not affect other provisions or
17 applications of this chapter that can be given effect without
18 the invalid provision or application, and to this end the
19 provisions of this chapter are severable."

20 SECTION 2. This Act shall not obstruct, deny, or revoke
21 any rights or privileges heretofore exercised by the United



1 States Army in its use of Makua valley throughout the term of
2 its lease.

3 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Makua Valley; Makua Valley Reserve Commission; DLNR

Description:

Establishes the Makua Valley Reserve Commission to oversee the control and management of Makua Valley on Oahu. Provides that DLNR will provide enforcement and administrative support for the Commission's activities. Effective July 1, 2050. (HB509 HD2)

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