

JAN 17 2020

A BILL FOR AN ACT

RELATING TO THE ESTABLISHMENT OF AN ECOSYSTEM RESTORATION
COMMISSION.

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

1 SECTION 1. The legislature finds that as part of the green
2 new deal-Hawaii initiative, that the State has an interest in
3 maintaining and restoring its lands so that they are in a safe
4 and healthy condition for the benefit of all who reside or come
5 to Hawaii. The legislature finds that remediation and
6 restoration of contaminated or otherwise hazardous lands is a
7 priority.

8 The legislature finds that the human-induced global climate
9 crisis requires a thoughtful but bold response on many fronts to
10 make Hawaii communities resilient to the impacts of climate
11 change that threaten the very survivability of these fragile
12 islands. Lest Hawaii lose its leadership position in meeting
13 the future of labor, justice and equity, the legislature
14 embraces aloha 'aina as a green new deal to decarbonize Hawaii's
15 systems of food, energy, and transportation, and to sequester
16 carbon through systems of agriculture, waste management and



1 ecosystem restoration. This solid foundation finds synergies
2 with expanded access to health, housing and education,
3 multiplying good jobs and ensuring justice and equity for
4 Hawaii's citizens. The following measure represents a forward
5 step in mitigating and adapting Hawaii to inevitable change.

6 Many properties on the islands of Hawaii are under federal
7 ownership or control and are being, or have been, used as
8 military facilities. The legislature finds that such use has
9 resulted in contamination to the water and soil on and adjacent
10 to many of these properties, or that there exist more immediate
11 hazards, such as from the presence of unexploded ordnance.
12 Immediate action in the form of an "ecosystem restoration
13 commission" is needed in anticipation of the upcoming expiration
14 of land leases between the State and the United States federal
15 government.

16 The purpose of this Act is to establish an ecosystem
17 restoration commission that will be tasked with overseeing the
18 return of these lands to the State.

19 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§171- Ecosystem restoration commission. (a) There is
2 established for administrative purposes an ecosystem restoration
3 commission within the department of land and natural resources.
4 The ecosystem restoration commission shall consist of at least
5 12 members who shall be nominated and appointed in accordance
6 with section 26-34. The commission shall consist of the
7 following members:

- 8 (1) The chair of the board of land and natural resources,
9 or the chair's designee, who shall serve as the chair
10 of the ecosystem restoration commission;
11 (2) The director of the department of health or that
12 director's designee;
13 (3) The chairs of the legislature's standing committees
14 with relevant subject matter jurisdiction encompassing
15 environmental protection and restoration as determined
16 by each house of the legislature;
17 (4) One representative from each of the four counties who
18 shall be selected by the mayors of that
19 representative's county;
20 (5) At least one representative from an organization with
21 a mission statement or purpose dedicated to the



1 remediation and prevention of military debris and site
2 contamination or degradation;

3 (6) At least one representative from a Hawaiian
4 organization with a mission statement or purpose of
5 preserving native Hawaiian traditional and cultural
6 practices, and preventing the desecration of the
7 environment;

8 (7) A representative from the United States military; and

9 (8) A representative from the United States Environmental
10 Protection Agency.

11 (b) The ecosystem restoration commission shall:

12 (1) Create and maintain an inventory of all lands in the
13 State where the federal government claims ownership or
14 control, including a database of relevant leases and
15 their expiration dates;

16 (2) Identify and evaluate any and all environmental damage
17 to and any required remediation efforts for the
18 inventoried lands;

19 (3) Identify which lands are appropriate for continued
20 set-aside to the United States government;



- 1 (4) Negotiate with the appropriate federal agencies for
2 the return of ownership and control and the
3 environmental remediation of parcels of property still
4 under the ownership or control of the federal
5 government;
- 6 (5) Ensure that administrative control over all property
7 and property interests transferred from the federal
8 government to the State shall be given to an
9 appropriate state, county, or other entity; and
- 10 (6) Make recommendations for future use and environmental
11 remediation of each property.
- 12 (c) The ecosystem restoration commission shall submit its
13 report on all activities and findings pursuant to subsection (b)
14 to the governor and legislature. The report shall be submitted
15 no later than twenty days prior to the convening of each regular
16 session.
- 17 (d) The ecosystem restoration commission shall initiate
18 negotiations, pursuant to paragraph (b) (4), with a set of
19 requests and demands made to a representative of the United
20 States military who is charged with negotiations on behalf of
21 the United States. The ecosystem restoration commission shall



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1 submit to the representative these requests and demands no later
 2 than January 1, 2021. Thereafter, the ecosystem restoration
 3 commission shall initiate a new round of negotiations, with an
 4 updated set of requests and demands, each year for ten years."

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2020, and
 7 shall be repealed on June 30, 2031.

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INTRODUCED BY:

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S.B. NO. 2779

Report Title:

Ecosystem Restoration Commission; Remediation of Military-use Lands; Green New Deal-Hawaii Initiative

Description:

Establishes an ecosystem restoration commission to identify lands for environmental remediation and return ownership and control of those lands to the State, a county, or other entity.

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