

JAN 21 2022

A BILL FOR AN ACT

RELATING TO LAND USED BY THE UNITED STATES MILITARY IN HAWAII.

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

1 SECTION 1. The legislature finds that many properties in
2 the State are under claim of federal ownership or control and
3 are being, or have been, used as military facilities. The
4 military's deficient stewardship has resulted in contamination
5 to both fresh and ocean waters and soil on and adjacent to many
6 of these properties, and on occasion has created hazards, such
7 as from the presence of unexploded ordnance.

8 The upcoming expiration or renewal of land leases between
9 the State and the United States government and the potential
10 return to the State of ceded lands all require a proactive
11 approach by the State.

12 Accordingly, the purpose of this Act is to create a long-
13 term task force to proactively plan for the remediation and
14 restoration of, and alternative uses for, lands currently under
15 federal control that are anticipated to be returned to State
16 control, as well as lands that are allowed to continue under
17 federal control.



SECTION 2. (a) There is established a surplus military land task force within the office of planning and sustainable development for administrative purposes to consist of the following members or their designees:

(1) The director of the office of planning and sustainable development, who shall serve as the chair of the task force;

(2) One member designated by the speaker of the house of representatives;

(3) One member designated by the president of the senate;

(4) The chairs of the house and senate standing committees with subject matter jurisdiction encompassing environmental protection and restoration;

(5) A representative from each of the four counties, to be selected by the mayor of each county;

(6) A representative from an organization whose mission statement or purpose is dedicated to the remediation and prevention of military debris and site contamination or degradation; and

(7) A representative from an organization with a mission statement or purpose of preserving Native Hawaiian



1 traditional and cultural practices and preventing the
2 desecration of the environment to be selected
3 by .

4 (b) The task force shall proactively plan for the
5 remediation and restoration of, and alternative uses for, lands
6 currently under federal ownership and control that are
7 anticipated to be returned to the State, as well as those lands
8 that are anticipated to continue under federal control. To
9 accomplish this objective, the task force shall:

10 (1) Create and maintain an inventory of all lands within
11 the State where the federal government claims
12 ownership or control, including a database of relevant
13 leases and their expiration dates and plans for
14 closure of military facilities on those lands,
15 building on but not necessarily limited to the
16 information contained in the latest edition of the
17 Hawaii Military Land Use Master Plan, and in the
18 report prepared by the office of planning and
19 sustainable development in response to Act 93, Session
20 Laws of Hawaii 2021;



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- 1 (2) Identify any known contaminants or environmental
2 hazards associated with inventoried lands, any
3 environmental studies performed in connection with
4 those lands, and any required remediation;
- 5 (3) Seek input from adjacent communities, appropriate
6 departments and agencies, and the office of Hawaiian
7 affairs, on proposed environmental remediation and
8 alternative uses for the lands;
- 9 (4) Identify lands appropriate to be set-aside by the
10 federal government;
- 11 (5) Suggest alternative models for continued occupation
12 and remediation of lands that may be occupied by the
13 United States in the future, including compensation
14 for prior occupation and damages to such properties;
- 15 (6) Negotiate with the appropriate federal agencies for
16 the return of ownership and control and environmental
17 remediation and restoration of parcels still under the
18 ownership or control of the federal government,
19 whether subject to return or not, and a timeline for
20 these actions; and



(7) Work on any other objectives deemed necessary by the task force.

(c) The task force shall:

(1) Submit a preliminary report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2023; and

(2) Submit a second report on its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2024.

The reports shall include status updates on each of the tasks specified in subsection (b).

(d) The director of planning and sustainable development shall submit annual progress reports to the legislature no later than twenty days prior to the convenings of the regular sessions of 2025, 2026, 2027, 2028, and 2029. The progress reports shall include updates regarding the implementation of the work identified by the task force and any additional plans, recommendations, or proposed legislation recommended based on new information received by the office of planning and



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1 sustainable development relating to the objectives of the task
2 force.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY:

Jana Acasio



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Report Title:

Federal Lands; State Lands; Military; Office of Hawaiian Affairs; Task Force

Description:

Establishes a surplus military land task force to plan for the remediation and restoration of, and alternative uses for, lands currently under federal ownership and control that are anticipated to be returned to the State.

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