

HCR-170

Submitted on: 3/27/2023 2:23:26 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

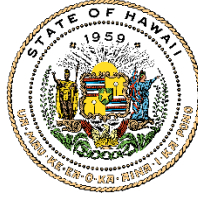
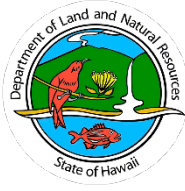
Submitted By	Organization	Testifier Position	Testify
Russell Tsuji	DLNR	Comments	Remotely Via Zoom

Comments:

Request for zoom link to testify on behalf of DLNR. Written testimony will be submitted on DLNR's Testimony account and additional staff will be present at the hearing. Thank you!

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
LAURA H.E. KAAKUA
FIRST DEPUTY
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
WATER & LAND

Tuesday, March 28, 2023
9:30 AM

State Capitol, Conference Room 430 & Videoconference

In consideration of
**HOUSE CONCURRENT RESOLUTION 170/HOUSE RESOLUTION 175
URGING THE BOARD OF LAND AND NATURAL RESOURCES TO ESTABLISH A
TASK FORCE TO PREPARE A FEASIBILITY PLAN FOR THE TRANSITION OF
THE MANAGEMENT OF THE MAKUA MILITARY RESERVATION TO THE STATE
FROM THE UNITED STATES ARMY UPON THE EXPIRATION OF GENERAL
LEASE NUMBER S-3848**

House Concurrent Resolution 170/House Resolution 175 urge the Board of Land and Natural Resources (Board) to prepare a feasibility plan for the transition of the management of the Makua Military Reservation to the State from the United States Army upon the expiration of General Lease No. S-3848. **The Department of Land and Natural Resources (Department) offers the following comments.**

These measures address an important issue about which the public has raised concerns, and the Department strongly agrees that now is the right time to plan for the future appropriate use of lands under current military lease. The Department also agrees that the public should have a voice in how the lands should be used, and that the effort should be collaborative amongst state departments, counties, communities surrounding federally-leased lands, those who steward and restore Hawai'i's lands and waters, the Native Hawaiian community that has a vested interest in the lands and has suffered harm and displacement from military use of state leased lands, and the diverse public.

Recognizing that the public has raised concerns regarding the continued status of the United States Department of Defense (USDOD) use of state public lands, including ceded lands, the Department has initiated discussions with USDOD on the Department's land disposition process,

including environmental compliance, cultural impact statements, Ka Pa‘akai Analysis, and expectations of proactive and extensive community engagement by USDOD. The Department appreciates the Legislature’s desire to create a task force to prepare a feasibility plan for the transition of the management of the Makua Military Reservation to the State from the United States Army. It is critical that the effectiveness of the Task Force recommendations proceed in a timely fashion to ensure their recommendations can be timely considered by the Department and ultimately the Board of Land and Natural Resources (Board) in its land disposition process. The Department notes that the Army has expressed an interest in retaining lands at the Makua Military Reservation for future training exercises.

The Department notes that Section 5(e)¹ of the Admissions Act already provides that any lands no longer needed by the United States shall be conveyed to the State of Hawai‘i.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

The default position, without agreement otherwise by the Board, is that any such lands would return to the State through the Board.

The Department additionally notes that without an appropriation of significant funds commensurate with the significant time and staff resources needed to complete the proposed work, these measures would seem to impose an unfunded mandate on the Department. Due to the importance of this work, the Department believes the Task Force would likely require a secretary and perhaps more staff for proper administration, as well as office equipment, supplies, and travel expenses for the Task Force members. There will be added expense for the Task Force to comply with Chapter 92, Hawaii Revised Statutes, sunshine law requirements. Further, the Task Force’s actions may be subject to contested case hearings and appeals. A conservative budget for such a task force, including payroll, fringe benefits, hearing officer fees, and other costs and expenses, would be \$300,000 annually. The Department respectfully requests that this sum be appropriated to the Department along with authority to establish one full-time position in the Chairperson’s Office to perform the support duties that will be required by these measures, either through an amendment of the Budget Bill (House Bill 300, House Draft 1) or another suitable bill this Session.

Mahalo for the opportunity to comment on these measures.

¹ The five (5) year limitation in Section 5(e) was extended indefinitely.

HCR-170

Submitted on: 3/27/2023 9:27:26 AM

Testimony for WAL on 3/28/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I support this resolution urging the Board of Land and Natural Resources to establish a task force to prepare a feasibility plan for the transition of the management of the Makua military reservation to the state from the United States army upon the expiration of general lease number s-3848.

It's way passed time to facilitate the return of the valley reserve and ensure the clean-up of any unexploded ordnances, as well as ensuring the expansion of opportunities for cultural access. Please pass this resolution.