

MAR 07 2023

SENATE CONCURRENT 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.

1 WHEREAS, use of Makua Valley by the United States military
2 dates back to the 1920s; and

3
4 WHEREAS, during World War II, more than four thousand acres
5 in the Makua Valley were converted into a United States military
6 reservation and areas of Makua Valley were turned into live-fire
7 training facilities subject to ship-to-shore bombardment; and

8
9 WHEREAS, kuleana residents and other residents were
10 required to leave Makua Valley following the United States
11 military taking over the area; and

12
13 WHEREAS, in 1964, the Board of Land and Natural Resources
14 signed a sixty-five year lease with the United States Army for
15 use of the Makua Valley land; and

16
17 WHEREAS, the United States military continued live-fire
18 training at Makua Military Reservation until 2001, when the
19 United States Army agreed to nearly cease live-fire training at
20 Makua pending a comprehensive Environmental Impact Statement;
21 and

22
23 WHEREAS, according to the findings of fact from a judge of
24 the United States District Court for the District of Hawaii that
25 temporarily enjoined the Army from conducting live-fire military
26 training at Makua in 2001:



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- 1 (1) There are at least thirty-two listed endangered
2 plants, two endangered birds, one endangered mammal,
3 and one endangered invertebrate snail located in the
4 Makua Military Reservation area;
5
- 6 (2) There are records of ten plant species recognized as
7 species of concern, five plant candidate species
8 recognized for threatened or endangered species
9 status, and one animal species of concern in the Makua
10 Military Reservation area; and
11
- 12 (3) Makua Valley is associated with a number of Native
13 Hawaiian legends and traditional Native Hawaiian
14 deities, and has significant religious and social
15 value to many Native Hawaiians; and
16

17 WHEREAS, the Makua Military Reservation contains
18 approximately one hundred sites that are eligible for listing on
19 the National Register of Historic Places, including Hawaiian
20 temples, shrines, and petroglyphs; and
21

22 WHEREAS, the United States Army agreed to clear unexploded
23 ordnances, with a focus on providing access to cultural sites in
24 Makua; and
25

26 WHEREAS, access to cultural sites was halted in 2015 after
27 two grass-cutting contractors were injured when an unexploded
28 ordnance was accidentally exploded, resulting in a lawsuit
29 against the United States Army to renew access to cultural
30 sites; and
31

32 WHEREAS, General Lease No. S-3848, the State's sixty-five
33 year lease to the United States Army for its use of Makua
34 Valley, expires on August 16, 2029; now, therefore,
35

36 BE IT RESOLVED by the Senate of the Thirty-second
37 Legislature of the State of Hawaii, Regular Session of 2023, the
38 House of Representatives concurring, that the Department of Land
39 and Natural Resources is urged to establish a task force to
40 prepare a feasibility plan for the transition of the management
41 of the Makua Military Reservation to the State from the United



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1 States Army upon the expiration of General Lease No. S-3848
2 expires; and

3
4 BE IT FURTHER RESOLVED that the task force is requested to
5 be comprised of the Chairperson of the Board of Land and Natural
6 Resources and a member of the Board of Trustees of the Office of
7 Hawaiian Affairs, or the Board's designee; and

8
9 BE IT FURTHER RESOLVED that the Chairperson of the Board of
10 Land and Natural Resources is requested to invite the following
11 persons to be members of the task force:

- 12
13 (1) A representative of the Legislature;
14
15 (2) The Commanding General of the United States Army
16 Pacific, or the Commanding General's designee, to
17 serve as a military representative;
18
19 (3) A representative of families who were evicted from the
20 Makua Valley Reserve or whose lands in the Makua
21 Valley Reserve were condemned by the federal
22 government;
23
24 (4) A representative of the Aha Moku Advisory Committee;
25
26 (5) Three representatives, each representing a different
27 non-profit organization, having expertise on Makua
28 Valley; and
29
30 (6) A representative selected from a list provided by
31 Native Hawaiian organizations; and
32

33 BE IT FURTHER RESOLVED that the task force is requested to
34 elect a chairperson from amongst its members; and

35
36 BE IT FURTHER RESOLVED that in preparing the feasibility
37 plan for the transition of the management of the Makua Military
38 Reservation from the United States Army, the task force is
39 requested to enter into discussions with the United States Army
40 to:
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- 1 (1) Facilitate the expedient return of the valley reserve
2 upon the expiration of the United States Army's lease;
- 3
- 4 (2) Ensure the clean-up of any unexploded ordnance; and
- 5
- 6 (3) Ensure the expansion of opportunities for cultural
7 access; and
- 8

9 BE IT FURTHER RESOLVED that the task force is requested to
10 include in the feasibility plan recommendations and policies
11 that focus on the goal of transferring the lands currently held
12 by the United States Army under General Lease No. S-3848 to the
13 State, including:

- 14
- 15 (1) Holding the lands in trust as part of the public land
16 trust; and
- 17
- 18 (2) Transferring management and control of the lands to
19 the sovereign Native Hawaiian entity upon its
20 recognition by the United States and the State; and
- 21

22 BE IT FURTHER RESOLVED that the task force is requested to
23 submit a report of its findings and recommendations, including
24 the feasibility plan and any proposed legislation, to the
25 Legislature no later than twenty days prior to the convening of
26 the Regular Session of 2024; and

27

28 BE IT FURTHER RESOLVED that certified copies of this
29 Concurrent Resolution be transmitted to the United States
30 Secretary of the Army, Commanding General of the United States
31 Army Pacific, Chairperson of the Board of Land and Natural
32 Resources, Chairperson of the Office of Hawaiian Affairs Board
33 of Trustees, and Chairperson of the Aha Moku Advisory Committee.

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OFFERED BY:  _____

