

**SB 2189**

**testimony**

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**From:** Don Hutton [donhutton@hotmail.com]  
**Sent:** Monday, February 11, 2008 10:24 AM  
**To:** testimony  
**Cc:** William Aila  
**Subject:** Please pass State Bill 2189

Gentlemen,

**Please pass State Bill 2189 to oversee preservation and restoration activities in Makua valley on Oahu.**

**In addition, please consider expediting return of Makua valley for use as a Hawaiian sacred site.**

Sincerely,

Donald W. Hutton PE  
84-740 Kili Drive  
# 730  
Waianae, HI 96792

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**From:** iwalani keliioomalua [keliioomalua@hotmail.com]  
**Sent:** Tuesday, February 12, 2008 10:48 AM  
**To:** ailaw001@hawaii.rr.com; Sen. Fred Hemmings; sen@Capitol.hawaii.gov; All Senators  
**Subject:** Support ~~SB2189~~, ~~SB3137~~, ~~SB3138~~

Aloha,

I am writing this letter of support for these bills affecting the Waianae community. WE must protect and have representation on our behalf of the community to seek justification and do what is right. We must honor the lands and oceans and choose to protect it from governmental abuses. We can no longer accept the logic and integrity of the military to do what is right. They fail to protect the public and have a mission to the military which they pledge their alligence to. They must listen to the concious citizen which question their motives and ensure common sense practices.

We here in Waimanalo share and support the Waianae community as they move forward to help their community in the protection and uses of their treasured aina.

We members of the Positve Re-Action group ask for your help in passing Bills SB2190, SB3137, and SB3138.

Thank you for your time and service.

Mabel Ann & Solomon C Spencer Jr.  
41-1378 Kuhimana Street  
Waimanalo, Hawaii 96795

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SENATOR RUSSELL S. KOKUBUN, VICE-CHAIR  
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY RE: SENATE BILL NO. 2189  
RELATING TO MĀKUA

February 13, 2008, 2:45 p.m.  
Conference Room 414

Good afternoon Chair Hee, Vice-Chair Kokubun, and members of the Committee:

My name is David Henkin, and I am an attorney with Earthjustice. I appreciate the opportunity to offer this testimony regarding Senate Bill No. 2189. Earthjustice supports the basic intent of this bill, which is to start planning for the return of Mākua to the people of Hawai‘i, so these sacred lands can once again be put to productive and appropriate use. While we support the bill’s fundamental intent, we have concerns about specific provisions, which should be addressed in an amended draft:

1. The bill limits its ambit to only Mākua Valley, which is only a portion of lands that comprise the U.S. Army’s Mākua Military Reservation (“MMR”). The bill’s scope should be expanded to include Kahanahāiki and Ko‘iahi Valleys, which also lie within MMR.
2. When the military seized the lands that lie within MMR in 1942, it promised the families it evicted that their lands would be returned within six months of the cessation of hostilities. The military never kept that promise. SB 2189 should address the claims of the families that previously lived in Mākua, Kahanahāiki and Ko‘iahi Valleys, who have been unjustly deprived of their lands for over six decades.
3. To ensure the Mākua valley reserve commission is sensitive to the needs of the people of Hawai‘i, it should have greater representation from the community (including a designated member of Hui Mālama ‘O Mākua). Moreover, since the specified uses of the reserve do not include future military activities, there is no need to include a representative of the adjutant general of the State of Hawai‘i.
4. To avoid infringing First Amendment religious freedoms, the commission should not favor one form of spiritual practice over others through curator or stewardship agreements with Hawaiian cultural and spiritual community organizations. Rather, freedom of religious and cultural practice should be guaranteed for all.
5. The Mākua valley reserve commission should not displace the functions of the O‘ahu Island Burial Council and Department of Land and Natural Resources with regard to treatment of

burial sites and human skeletal remains as many members of the commission would lack the necessary expertise to carry out those duties.

6. Likewise, while the commission should advise the Board of Land and Natural Resources, Land Use Commission, and City and County of Honolulu with respect to dispositions and approvals, it should not displace their functions.

7. As part of its interim activities prior to the return of Mākua, Kahanahāiki and Ko‘iahi Valleys, the commission should enter into discussions with the Army to ensure the clean-up of unexploded ordnance and expansion of opportunities for cultural access. Such interim efforts will help avoid post-transfer problems like those that have affected Kaho‘olawe by, among other things, making substantial progress on completing the clean-up while MMR is still under Army control.

We respectfully urge you to amend SB 2189 to address the aforementioned concerns. Thank you again for the opportunity to offer this testimony.

END

SB 2189