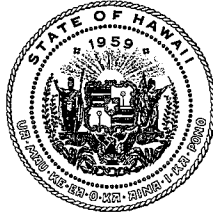
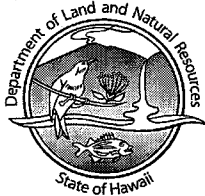


**LATE
TESTIMONY
SB 2189**

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
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CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**TESTIMONY OF THE CHAIRPERSON
OF THE BOARD OF LAND AND NATURAL RESOURCES**

on Senate Bill 2189 – Relating To Makua

**BEFORE THE SENATE COMMITTEE ON
WATER AND LAND**

February 13, 2008

Senate Bill 2189 establishes a Makua Valley Reserve Commission under the Department of Land and Natural Resources (Department). The Department of Land and Natural Resources (Department) does not support Senate Bill 2189.

The Department believes that Makua Valley is rich in cultural resources and the creation of a Makua Valley Reserve Commission provides a sensitive approach to appropriately managing the Valley however it seems premature since the Army has a lease (GL 3848) with the Department for training in Makua Valley which expires on 8/16/2029. The Department notes that it has not had any conversations with the Army on continuing their use of the Valley after 2029.

Additionally, the Makua Valley Reserve Commission cannot by law have jurisdiction over the proper treatment of burial sites or human remains found in the Valley. The Department's Oahu Burial Council would need to retain its responsibilities under Section 6E-43(b), Hawaii Revised Statutes.

The Department would ask this Committee to instead support the Department's Supplemental Budget request, which allocates funds to the Department's Historic Preservation Division, to strengthen the State's oversight and support of historic preservation across the State.

Position requests include two Compliance Specialists, which will provide accurate project intake and classification, consistent data base maintenance and help ensure timely responses to public inquiries, as well as, a Librarian to maintain the State Historic Preservation Division's libraries on all islands and provide a consistent filing system for reports.

Additional money is requested for reinternment of iwi in the state inventory on all islands. The funding will allow the department to purchase burial vaults and to pay for labor to reinter the iwi. The Department is also requesting lease rent monies for Hawaii Island staff which lost its Kona office space and is in need of a permanent office.

LATE TESTIMONY



OFFICE OF HAWAIIAN AFFAIRS

Legislative Testimony

SB 2189, RELATING TO MAKUA

Senate Committee on Water and Land

LATE TESTIMONY

February 13, 2008
Room: 414

2:45 p.m.

The Office of Hawaiian Affairs (OHA) SUPPORTS, with Amendments, SB 2189, which would create a Mākua Valley Reserve Commission, following a similar format to the creation of the Kaho'olawe Island Reserve Commission. The Mākua Valley Reserve Commission (Commission) would oversee preservation, cultural perpetuation and restoration activities in Mākua Valley.

OHA has substantive obligations to protect the cultural and natural resources of Hawai'i for its beneficiaries, the people of this land. Part of this mission is to identify and protect traditional cultural landscapes, which serve as the last vestiges of meaningful connections with the ancestors of Hawai'i and the unique and fragile natural, cultural, and historical resources these connections rely upon. SB 2189 would be a natural progression of this important kuleana to mālama Mākua Valley. The establishment of the Commission would greatly assist in the protection and perpetuation of this unique cultural landscape and heritage center for all the people of Hawai'i and, more importantly, for future generations.

OHA suggests the following amendments to facilitate practical implementation of the bill and to allow for a broader cultural and legal base for management of Mākua Valley's cultural and historic resources. We urge the Committee to consider that the membership of the Commission should also include a member of Koa Mana, which holds significant cultural claims to Mākua Valley, in lieu of the member currently to "be appointed by the governor from a list provided by native Hawaiian organizations."

We also suggest removing the following sections of the bill:

From Section -6 "Responsibilities and duties of the commission" -

-- subsection (6), which would have removed the powers and duties of the Board of Land and Natural Resources and the Land Use Commission regarding permits pertaining to the valley, including the federal National Historic Preservation Act requirements of the State Historic Preservation Division; and

-- subsection (8), which would have removed the O'ahu Island Burial Council from decision-making on burials and iwi kūpuna found in the valley.

OHA urges the Committee to PASS SB 2189 to assure further deliberations, taking the above considerations into account. Thank you for the opportunity to testify.

Sen. Clayton Hee, Chair, Committee on Water and Land
Sen. Jill N. Tokuda, Chair, Committee on Agriculture and Hawaiian Affairs

February 13, 2008
2:45 P.M. Room 414

LATE TESTIMONY

Testimony is strongest support of SB 2189.

Chair Hee, Chair Tokuda, and Committee members:

I am an employee of DLNR however the testimony that follows is that of my own, based upon my relationship with and mana'o from my Uncle Ivanhoe Naiwi and Aunty Frenchy DeSoto.

This bill would set up a commission similar to the Kaho'olawe Reserve Commission, eventually managing the Makua Valley Reserve.

The commission would also be authorized to facilitate the expedient return of Makua Valley upon the expiration of the Army's lease or sooner if the situation arises.

The Army has not used Makua Valley for training in the past three years. In the last nine years it has not used it for training in six of those nine years. During the remaining three years it used it marginally.

The Army has certified every unit that deployed from Hawaii as fully certified during this time frame. These units have been deployed to all parts of the world including Iraq and Afghanistan. By its actions, it has demonstrated that the time has arrived to create such a commission to possibly begin the discussions facilitating the return and transition of Makua Valley back to civilian management.

In 1942 the Army promised Uncle Ivanhoe, after removing his family from Makua at gun-point, that he would be allowed to return, and that Makua would be returned six months after the war. The Army even put it into the lease agreement with the then, Territory Hawaii, and promptly violated that agreement. Please pass SB 2189 and begin the process of healing and making things pono.

Mahalo for the opportunity to testify in support of SB 2189.

testimony

From: kaimakaha@aol.com
Sent: Wednesday, February 13, 2008 7:10 AM
To: testimony
Subject: Committee on Water and Land hearing date 2-13-08 2:45 pm

LATE TESTIMONY

Dear Committee Members:

We are respectfully requesting that you support SB2189 in support of creating a commission for the protection of Makua valley. The Wai'anae coast has long been the "dumping grounds" for not only the military but the island of O'ahu. Makua valley is the last remaining ahupua'a that can be preserved for future generations, the last place that we can restore and attempt to make whole after so many years of abuse. The opportunity you have to "make right" what has been too long "wrong" is one we hope you do not take lightly. Those of us who are committed to our community and willing to provide whatever it takes to help preserve this sacred valley pray you will vote for the development of a committee made up of primarily community members with a vested interest in the welfare of the valley. Mahalo a nui loa, Robert "Walt" Hunter, MD, Gail S. Hunter, RN

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LATE TESTIMONY

Senator Clayton Hee, Chair
Senator Russell S.Kokubun, Vice-Chair
Senate Committee on Water & Land

**Testimony Re: Senate Bill # 2189
Relating to Makua**

I am James “Sparky” Rodrigues a resident of Lualualei in Waianae and a member of Malama Makua.

I support this bill’s fundamental intent. I have concerns about specific provisions and wish to suggest amendments.

- 1) Malama Makua has agreements in place with the Army to continue access for overnighiter durning Makahiki, twice a month for cultural access. Completing the EIS, Bio-study, Water monitoring... these must be insured.
- 2) Malama Makua has worked with a sister organization Hui Malama O Makua. The group includes Kupuna, Kumu Hula, Opio, Ohana, Educators and students as well as those interested and love Makua. Hui Malama O Makua must be represented as well on the Makua Reserve Commission.
- 3) Makua Valley is made up of three separate Ahupua’a. on the left is Kahanahaiki, the center is Makua and to the right is Koi’ahi, all need to be listed in this bill to prevent confusion or exclusion.
- 4) Makua has been used by the Armed Forces since the late 1920s. The Army seized the valley with the promise of its return after WWII. The State of Hawaii gave a lease in 1964 that expires August 2029 or sooner if the Army so chooses. Clean up needs to continue in perpetuity.
- 5) The goal is to return the land to pre use condition allowing for the return of native forest, environments that support endangered species, a restoration of historic sites and a return of our culture and traditional practices.
- 6) There are those who say Makua will never be cleaned up. I believe that the clean up will take generations to return the land to be safe and productive again. The plan need to take the long view and to achieve that goal, funding needs to be designed to last in perpetuity.
- 7) University of Makua is a place for all to learn. An incubator to design methods that may be exportable to other communities experiencing similar restorative needs. Scientist that learns to restore contaminated lands to a safe useable condition. Traditional practices are promoted in a place that culture is allowed to be practiced.

Mahalo,

James “Sparky” Rodrigues
86-222 Puhawai Road
Waianae, Hawaii 96792
808-696-2823

testimony

From: Karen Young [kgsyoung@hotmail.com]
Sent: Wednesday, February 13, 2008 7:25 AM
To: testimony
Subject: SB. 2189 Makua/ SB 3138 re baseline environmental study : Wai'anae Coast

LATE TESTIMONY

To Sen. Committee on Water and Land/ Chair Clayton Hee
To Sen. Committee on Agriculture and Hawaiian Affairs/ Chair Jil Tokuda

I wish to voice my support of S.B. 2189 which would establish a Commission to oversee the preservation and restoration of Makua Valley. After 60 years of war practices including bombing and other war weaponry devastation of the valley, the return of Makua Valley to the community is long overdue. This beautiful valley with its endangered species, cultural, and historical sites should never have been given to the military for destruction ! I fully support the start of the healing, preservation and restoration of this valley.

I also support the baseline environmental study of the Wai'anae Coast given all the environmental injustices that have occurred in the past and continue into the present day. I support a decision on benchmarks for this study so that the Wai'anae Community can be assured that progress is being made in this regard.

kgsyoung@hotmail.com
Ph. 808 - 6682311

w/aloha, Karen GS Young

Climb to the top of the charts! Play the word scramble challenge with star power. [Play now!](#)



American Friends Service Committee

LATE TESTIMONY

Hawai'i Area Program

2426 O'ahu Avenue • Honolulu, HI 96822 • Phone 808/988-6266 • Fax 808/988-4876

Website: www.afschawaii.org • Email: afschawaii@afsc.org

Date: February 13, 2008
To: Senator Hee, Chair, Senator Kokubun, Vice-Chair, and members of the Senate
Committee on Water and Land
From: Kyle Kajihiro, Program Director, American Friends Service Committee – Hawai'i
Subject: SUPPORT S.B. 2189 RELATING TO MAKUA

Aloha Senators Hee, Kokubun and members of the Committee.

My name is Kyle Kajihiro, Program Director for the American Friends Service Committee (AFSC) Hawai'i Area Program. The AFSC has long supported the Wai'anae community and advocated for the clean up, restoration and return of Makua from the military. Thank you for the opportunity to testify on this bill. It is an important step forward to begin visioning and dialogue about the future of Makua after the military returns the land.

We strongly SUPPORT THE INTENT OF S.B. 2189. However, we also have a number of concerns with specific portions of the bill.

The scope of the bill should be defined to include all three ahupua'a that comprise the Makua Military Reservation: Makua, Kahanahaiki and Ko'iahi.

We believe that the composition of the Commission should consist of:

1. one member representing Malama Makua;
2. one member representing Hui Malama o Makua;
3. one member representing families who were evicted from the valley or whose lands were condemned by the federal government;
4. one member appointed by the Governor from a list provided by the Waianae coast community;
5. one member representing OHA;
6. one member representing DLNR;
7. one member appointed by the governor from a list provided by Native Hawaiian organizations;

The U.S. Army and the adjutant general of the State of Hawai'i should be asked to send representatives to provide information to the Commission. However, it would be a conflict of interest and inappropriate for the Army or the Hawai'i National Guard to have voting seats in determining the future uses of Makua or to decide terms and conditions for the State and the community related to the clean up and transfer of the valley.

The interim duties of the Commission should include working with the Army to ensure acceptable standards of clean up and restoration take place prior to the closure of the range.

**LATE
TESTIMONY
SB 2189
(END)**