

**TESTIMONY**

**SB 86**

**LATE**

LATE TESTIMONY



OFFICE OF HAWAIIAN AFFAIRS  
Legislative Testimony

**SB 86, RELATING TO MAKUA**

Senate Committee on Water, Land, Agriculture, and Hawaiian  
Affairs

January 30, 2009  
Room: 229

3:00 p.m.

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The Office of Hawaiian Affairs (OHA) **SUPPORTS, with Amendments**, SB 86, 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 our 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 Hawai'i's ancestors and the unique and fragile natural, cultural, and historical resources these connections rely upon. SB 86 would be a natural progression of this important kuleana to mālama Mākua Valley. The establishment of the Commission would 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.

While OHA would prefer the passage of SB 1000, we respectfully suggest the following amendments to SB 86 to facilitate practical implementation of the bill and to allow for a stronger cultural and legal base for management of Mākua Valley's cultural and historic resources.

We suggest deleting the reference in Section 5 (e) to chapter 77, which was repealed by Act 253 in 2000.

OHA also urges the Committee to delete the following subsections of the bill:

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

-- subsection (6), which would remove powers and  
duties of the Board of Land and Natural Resources

and 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 remove the O'ahu Island Burial Council from decision-making on burials and iwi kūpuna found in the valley.

We further suggest that the Committee consider that the membership of the Commission should also include a member of Koa Mana, a group which holds significant cultural claims to Mākua Valley, in lieu of the member listed in Section 5(a)(9) currently to "be appointed by the governor from a list provided by native Hawaiian organizations." This would continue to ensure an odd number of members.

OHA urges the Committee to PASS SB 86 to assure further deliberations, taking the above considerations into account. Thank you for the opportunity to testify.

Senator Clayton Hee, Chair, Committee on Water, Land, Agriculture, and  
Hawaiian Affairs

Friday, January 30, 2009  
3:00 p.m. Conference Room 229

LATE

**Testimony in strong support of SB 86**

Aloha! Senator Hee, and members of the committee:

My name is William J. Aila Jr. I am an employee of DLNR however the  
testimony that follows is my own.

Makua Valley is a very sacred valley and has at last count has more that 100  
cultural sites and complexes, including three major Heiau.

The U.S. Army has not live fire trained there for more than four years and  
has trained several Hawaii based Combat Brigades elsewhere, for  
deployment in Iraq, Afghanistan, and other parts of the world.

SB 86 would begin a process to discuss current management of Makua  
Valley while recognizing a need for transition of the Valley to civilian use.  
In doing so, the Army would follow through with a promise that it made to  
the residents and families of Makua in 1942. The promise, to return the  
Valley to those residents six years after the War. World War II ended in  
1946 and its time to fulfill that promise.

SB 86 sets out a process of transition. Kahoolawe (Kanaloa) is a prime  
example of how a longer lead in time for transition could lead to improved  
results. Both for the U.S Army and for Makua Valley;

Please support and pass out SB 86.

Mahalo for the opportunity to testify in support.



*For the Protection of Hawaii's Native Wildlife*  
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**LATE TESTIMONY**

**TO: Committee on Water, Land, Agriculture and Hawaiian Affairs  
Senator Clayton Hee, Chair & Senator Jill Tokuda, Vice Chair**

**HEARING: Friday, January 30, 2009; 3:00 P.M., Conference Rm. 229**

**Re: SB86, Relating to Mukua Valley**

**TESTIMONY IN SUPPORT**

Chair Hee and Vice Chair Tokuda, and members of the Committee on Water, Land, Agriculture and Hawaiian Affairs. My name is George Massengale, I a long time member of the Hawai'i Audubon Society and during session I serve as their Legislative Analyst.. Thank you for the opportunity to submit our testimony in support of SB86, which would establish the Makua Valley Reserve Commission to oversee preservation and restoration activities in Makua valley.

The Hawaii Audubon Society (HAS) was founded in 1939, and is Hawaii's oldest conservation group, with over 1,500 dedicated members statewide. The Society's primary mission is the protection of Hawaii's native wildlife and habitats. Makua Valley has been described by biologists as one of the great biological treasures in Hawai'i. **The valley and its environs are home to 45 federally listed plant and animal species, as well as hundreds of acres of designated critical habitat.** However, a decades-long history of fires from live-fire training has left the endangered species barely clinging to survival.

We see the creation of the Makua Valley Reserve Commission as necessary first step in establishing an assessment and planning process to eventually formulate recommendations to DLNR and other agencies on mitigating the destructive damage the caused by the our military to this ecological resource

We strongly urge the committee to move this measure forward. Thank you for the opportunity to present testimony here today.

Respectfully,

/s/

George Massengale, JD  
Legislative Analyst

HO'OKAH NO KA 'AINA A ME NA KANAKA

**KAHEA**

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LATE

Masa  
Kumuhou

SB 86: Makua Valley Commission  
WTL, rm. 229, 3:00 pm  
January 30, 2009

Aloha Chairman Senator Hee and members of the Committee on Water, Land, Agriculture, and Hawaiian Affairs,

Thank you for hearing S.B. 86 to create a Makua Valley Reserve Commission to aid the preservation and restoration of this sacred area. KAHEA: The Hawaiian-Environmental Alliance **supports** every effort to restore and protect this unique wahi pana, which has been damaged and severely polluted by the U.S. military activities there. We believe a commission, if constructed properly, could properly protect this sacred valley.

KAHEA is a network of over 6,000 people representing kupuna, cultural practitioners, scientists, educators, and concerned citizens working to protect Hawaii's unique natural and cultural resources.

Makua Valley is an ecologically important and culturally sacred place. Unfortunately, for more than 70 years it has been used as a military base, training range, and weapons dumpsite. These practices have destroyed native habitat for the more than 50 endangered species found in the valley. It has also desecrated many heiau and iwi kupuna. Decades of denied public access to the area has stunned the perpetuation of traditional Native Hawaiian culture across generations.

In addition, military use of the valley has exposed neighboring residents, the majority of them Native Hawaiians, to extremely hazardous toxic contamination. Of particular concern is perchlorate used in explosives and fuel. Perchlorate contamination has been linked to thyroid disorders, immune system deficiencies, nervous system disorders, and cancer.

It is our hope that a commission of this type will help to advance the protection and restoration of the valley. This includes facilitating meaningful public participation in decision-making about the valley, accommodating cultural practice, and enforcing regulations on the use and clean up of toxic chemicals.

To this end, we urge the committee to consider the following **friendly amendments** to this bill:

First, the **U.S. Army should not have representation on the commission** because it will be the agency that comes before the commission to advocate for various management plans, as well as implement commission decisions until its lease over the land ends.

Second, **residents and former residents evicted by the U.S. military's actions should have greater representation** on the commission. These individuals have a lineal connection and obligation to this valley that must be respected.

Third, the **commission's authority should be expanded** to include greater authority to oversee U.S. Army activities in the valley and to enforce existing state and federal laws. Given that the U.S. Army has had serious difficulty meeting its legal obligations, granting this authority to the commission will aid compliance and hopefully prevent the need for repeated court intervention.

We believe that the formation of this commission along with the amendments proposed in our testimony will lead to a more protected and healthy Makua Valley for future generations to visit, take for, learn from, and enjoy.

STATE OF HAWAII  
DEPARTMENT OF DEFENSE

LATE TESTIMONY

TESTIMONY ON SENATE BILL 86  
A BILL FOR AN ACT RELATING TO MAKUA

PRESENTATION TO THE  
SENATE COMMITTEE ON WATER, LAND, AGRICULTURE, AND HAWAIIAN  
AFFAIRS

BY

MAJOR GENERAL ROBERT G. F. LEE  
ADJUTANT GENERAL  
January 30, 2009

Chair Hee, Vice-Chair Tokuda, and Committee Members:

I am Major General Robert G. F. Lee, State Adjutant General. I am testifying on Senate Bill 86. This bill establishes the Makua Valley Reserve Commission to oversee preservation and restoration activities in Makua valley.

The department opposes Senate Bill 86. Currently, there are no plans to return the Makua valley training area to the State in the foreseeable future. As America continues its war on terrorism, military commanders and their soldiers need to train and sustain the highest level of combat readiness as possible. To attain this readiness level, these units will require the use of training areas such as the company level, maneuver and live fire training area at Makua valley.

Additionally, as the terrorist network expands to countries within the Pacific Rim, the United States military will continue to forward-base military units in Hawaii. These units are on constant alert to meet the fight against global terrorism and other national security threats with the Pacific Command area of operations. The bottom-line is that these units need the live fire and maneuver training areas to enhance their combat readiness. The U. S. Military continues to preserve and protect the environment and cultural resources on all military held lands in Hawaii. Chair Hee, thank you for letting me submit this written testimony.

**TESTIMONY**

**SB 86**

**LATE**

**(END)**