

**SB 86**



**Testimony to the Senate Committee on Ways and Means  
Friday, February 27, 2009  
9:00 a.m.  
Conference Room 211**

**RE: SENATE BILL NO. 86, SD1, RELATING TO MAKUA**

**Chair Mercado-Kim, Vice Chair Tsutsui, and members of the committee:**

My name is Charles Ota and I am the Vice President for Military Affairs at The Chamber of Commerce of Hawaii (The Chamber). I am here to state The Chamber's opposition to Senate Bill No.86, SD1, Relating to Makua.

The Chamber's Military Affairs Council (MAC) serves as the liaison for the state in matters relating to the U.S. military and provides oversight for the State's multi-billion dollar defense industry.

The bill proposes to hold in perpetuity Makua Valley as part of a public land trust and transfer management and control of the valley reserve to the sovereign native Hawaiian entity upon its recognition by the United States and the State.

It establishes the Makua Valley Reserve Commission to oversee the preservation and restoration activities in Makua Valley, and the Makua Valley Rehabilitation Trust Fund to receive all moneys appropriated by the federal government and the state legislature, proceeds from administrative fines imposed and collected, and interest or return on investments earned from moneys in the trust fund.

In Standing Committee Report No. 16, the Senate Committee on Water, Land, Agriculture, and Native Hawaiian Affairs states that the intent of the measure is to establish the stakeholders in efforts to preserve and restore Makua Valley, and to provide the community with a co-equal position from which to advocate.

The MAC notes that Makua Valley consists of 4,190.7 acres, of which 82% or 3,408.22 acres is ceded and fee simple lands of the US Government. The remaining 18% or 782.48 acres is leased by the State to the US Government and is part of the Makua Military Reservation (MMR) under the control of the US Army. This lease expires in August 2029.

The training area at MMR is the only company-level, combined arms, live-fire maneuver training area on O`ahu, and is required to certify ground troops for combat deployments. These forces are forward-based in Hawaii as deterrent forces and are required to be held in combat ready status for immediate deployment.

This level of training and readiness also applies to the Hawaii Army National Guard and Hawaii-based Reserve units of the US Army and Marine Corps that continue to be deployed to Iraq and Afghanistan.

The proposed action is premature as there are no plans to close the training area in Makua. National security concerns have clearly shifted to the Pacific Command area of responsibility due to nuclear arms issues with North Korea, the rapid buildup of military forces in China, the territorial tensions between India/Pakistan and China/Taiwan, and the rise of terrorist threats. The global positioning of US military forces continues to be focused in the Asia Pacific.

To demonstrate the high level of US interest in the Asia Pacific region, a \$14 billion effort is underway to relocate more than 8,000 US Marines and their families to Guam. This action is being taken in partnership with the Government of Japan.

In addition to this shift in security concerns, the current financial crisis has had serious impact on the economies of Pacific nations. It is imperative that US military forces maintain its visible presence in the Pacific to help keep the sea lanes and airways free and open, and enable commerce and trade among nations to flourish.

Moreover, implementing the measure at this point would impose an unnecessary cost to the state at a time when the state is facing a significant financial crisis. The estimated cost in administering the affairs of the Commission is not quantified nor is it clear as to how DLNR would absorb this added cost.

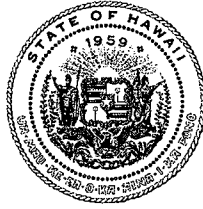
The bill specifically addresses concerns for environmental preservation and restoration. There is no greater contributor to environmental and cultural preservation and restoration on the Leeward Coast, or throughout the State, than the US Government. The US Army retains a professional environmental staff and continues to spend \$6-7 million annually to protect and restore endangered species and cultural sites in Makua Valley alone. This includes ongoing efforts to secure federal funds required to clear restricted areas of unexploded ordnance in order to provide safe access for cultural activities.

The US Army has also instituted an effective community outreach program that includes frequent meetings with residents, the local neighborhood boards, and concerned community groups, and coordinating with the US Fish and Wildlife Service, the State Departments of Health and Land and Natural Resources, and others.

For these reasons, the Chamber believes that SB 86, SD1 is premature and could result in the unnecessary expenditure of state funds, and recommends that it be held until a more appropriate time when the US Government has formally determined that it no longer has a requirement to use Makua Valley.

Thank you very much for the opportunity to testify.

LINDA LINGLE  
GOVERNOR OF HAWAII



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

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**Testimony Of  
LAURA H. THIELEN  
Chairperson**

**Before The Senate Committee On  
WAYS AND MEANS**

**Friday, February 27, 2009  
9:00 AM  
Senate Conference Room 211**

**In Consideration of  
SENATE BILL 86, SENATE DRAFT 1  
RELATING TO MAKUA VALLEY RESERVE**

Senate Bill 86, Senate Draft 1 establishes a Makua Valley Reserve Commission (Commission) under the Department of Land and Natural Resources (Department). The Department does not support this measure.

The Department believes that Makua Valley (Valley) is rich in cultural resources and the creation of a 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.

The Department also has concerns because this bill will add responsibilities without augmenting funding or positions. Given the budgetary cuts the Department has had to absorb this fiscal year and further cuts proposed in the Executive Biennium Budget request, the Department's personnel and fiscal resources are being spread thin, and already impacting departmental priorities.

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

**RUSSELL Y. TSUJI**  
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AQUATIC RESOURCES  
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SENATOR DONNA MERCADO KIM, CHAIR  
SENATOR SHAN S. TSUTSUI, VICE-CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY RE: SENATE BILL NO. 86, SD 1  
RELATING TO MĀKUA

February 27, 2009, 9:00 a.m.  
Conference Room 211

Good morning Chair Kim, Vice-Chair Tsutsui, 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. 86, SD 1. Earthjustice supports the basic intent of this bill, which is to start planning for the return of Mākua, Kahanahāiki and Ko‘iahi Valleys to the people of Hawai‘i, so these sacred lands can once again be put to productive and appropriate use. As part of that effort, it makes eminent sense to establish a trust fund in the state treasury to receive monies from the federal government and other sources to provide for the rehabilitation of these valleys, which have been damaged by decades of military training.

We respectfully ask you to pass SB 86, SD 1. Thank you again for the opportunity to offer this testimony.

FREDERICK A. DODGE, MD  
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WAI'ANAE, HAWAII 96792

February 25, 2009

State Senate Ways and Means (Finance) Committee  
Chair Kim, Vice Chair Tsutsui & Members

Hearing on Friday, February 27, 2009 at 9:00 AM

Support for Senate Bill No. 86, SD 1 relating to Makua

Aloha Chair Kim & Members:

My name is Fred Dodge. I live in Wai'anae and I am a member of Malama Makua.

I support the intent of S.B. 86-7.

I would also support eventual amendments. For example, one of the tasks of the proposed Commission is to negotiate for the return of Makua. A representative of the commanding officer of the U.S. Army should not be on the Commission as that member would be in essence representing both sides ( Section -5 (6), page 4, lines 1-3).

Referring to Section -6 (8), page 6, lines 14-18, the Commission should not assume the duties of the island burial council since that is not the Commission's expertise. I would recommend that section be removed.

However, these and possibly other amendments can be worked out later.

I respectfully urge the passage of S.B. 86, SD1.

Sincerely,

Fred Dodge, MD