

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
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To: waltestimony
Cc: Leimaile.q@gmail.com
Subject: Submitted testimony for HB509 on Feb 1, 2013 08:00AM
Attachments: Makua.pages

HB509

Submitted on: 1/31/2013

Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
A Leimaile Ehia-Quitevis	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Rep. Cindy Evans, Chair
Rep. Nicole E. Lowen, Vice-Chair
House Committee on Water & Land

Rep. Faye Hanohano, Chair
Rep. Ty J.K. Cullen, Vice-Chair
House Committee on Ocean, Marine Resources & Hawaiian Affairs

Testimony Re: House Bill No. 509
Relating to Makua Valley

February 1, 2013 8:00 AM
Conference Rm. 325

Good morning members of the Committees:

My name is Fred Dodge, MD. I am a retired physician and a member of Malama Makua. I appreciate the opportunity to offer this testimony regarding House Bill No. 509. I strongly support the basic intent of this bill, which is to start planning for the return of Makua, Kahanahaiki and Ko'iahi to the people of Hawai'i, so that these Sacred lands can once again be put to protected, productive and appropriate use.

While i support the bill's fundamental intent, I have concerns about specific provisions, which should be addressed in an amended draft:

1. Among its other responsibilities, the Makua Valley reserve commission would be entrusted to negotiate with the U.S. Army to facilitate the expedient return of Makua Military Reservation (MMR). While the Army is a necessary party to those negotiations and discussions, it should not have a seat on both sides of the table. Accordingly the commission should not include a representative of the commanding officer of the U.S. Army in the Pacific. Similarly, since the specified uses of the reserve do not include future military activities, the commission's membership should not include a representative of the adjutant general of the State of Hawai'i.
2. 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

Fred Dodge, MD
Testimony on HB 509
February 1, 2013 8:00 AM Conference Rm. 325

guaranteed for all.

3. As part of its interim activities prior to the return of Makua, Kahanahaiki, and Ko'iahi, 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.

4. I also support the other suggestions that Attny. David Henkin lists in his well thought out testimony.

I respectfully urge you to pass HB 509, with amendments to address the aforementioned concerns. Thank you again for the opportunity to offer this testimony.

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Relating to Makua Valley
February 1, 2013 8:00 AM
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Rep. Cindy Evans, Chair
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Rep. Faye Hanohano, Chair
Rep. Ty J.K. Cullen, Vice Chair
House Committee on Ocean, Marine Resources & Hawaiian Affairs

My name is Karen G.S. Young. I am a retired nurse practitioner and a long time resident of the Wai'anāe Coast. The US Army has been using Makua Valley for military practice for approximately 69 yrs . It is good that plans for the time when the Army finally leave are being considered. I support the restoration and protection of Makua Valley as a preserve, in perpetuity. I support HB 509 and the formation of a Makua Reserve Commission or similar entity that would manage and monitor this mission.

However, I ask that there be amendments to HB 509 to eliminate the military from this commission since they are the entity that the community hopes to expedite departure from the Valley. Their involvement should be in the clean up of unexploded ordnance from the Valley. The Army can also contribute by continuing their good work of restoration of archeological and cultural sites.

Thank you for your consideration.

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COMMITTEE ON WATER & LAND

Rep. Cindy Evans, Chair
Rep. Nicole Lowen, Vice Chair

COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Rep. Faye Hanohano, Chair
Rep. Ty Cullen, Vice Chair

Monday, February 4, 2013
8:00 a.m.
Room 325

SUPPORT INTENT OF HB 509

Aloha Chairs Evans & Hanohano and Members of the Committees!

My name is Kat Brady and I am the Assistant Executive Director of Life of the Land, Hawai`i's own energy, environmental and community action group advocating for the people and `aina for over four decades. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

HB 509 establishes the Makua Valley Reserve Commission to oversee preservation and restoration activities in Makua Valley.

Life of the Land supports the restoration of this once pristine agricultural valley for productive use by the community. However, there are sections of this bills we find troubling;

- 1 (6) One member shall be the commanding officer of the
- 2 United States Army, Pacific, or the commanding
- 3 officer's designee;
- 4 (7) One member shall be the adjutant general of the State,
- 5 or the adjutant general's designee;

We respectfully ask the committees to delete the military representation as members on the Makua Reserve Commission. Our position is informed by the Burial Council process that has developers are part of the Council. This has stymied the work of the Burial Councils. We would find it disturbing if the community spent its time planning and working for the restoration of the valley only to be thwarted by the military, whose presence is transient and whose connection to the valley is nowhere near as personal as that of the community.

Among its other responsibilities, the Makua valley reserve commission would be entrusted to negotiate with the U.S. Army to facilitate the expedient return of Makua Military Reservation (MMR) upon the expiration of the Army's lease. While the Army is a necessary party to those negotiations and discussions, it should not have a seat on both sides of the table. Accordingly, the commission should not include a representative of the commanding officer of the U.S. Army in the Pacific. Similarly, since the specified uses of the reserve do not include future military activities, the commission's membership should not include a representative of the adjutant general of the State of Hawai'i.

Life of the Land could support this measure with the deletion of the 2 military positions on the Makua Reserve Commission.

Mahalo for this opportunity to testify.

lowen1-Kyli

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 01, 2013 1:29 AM
To: waltestimony
Cc: kkb@aloha.net
Subject: Submitted testimony for HB509 on Feb 1, 2013 08:00AM
Attachments: TESTIMONY HB509 Relating to Makua Valley BIRNIE 2013-Feb.pdf

HB509

Submitted on: 2/1/2013

Testimony for WAL/OMH on Feb 1, 2013 08:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Ku'ulei Birnie	Individual	Support	Yes

Comments: Aloha mai kakou...as an individual with a long-standing involvement with Kaho'olawe, I stand in support of the 'ohana of Makua Valley, and support HB 509 with amendments. Aloha 'aina...

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TESTIMONY
Of
KIM KU'ULEI BIRNIE

Before the
Joint Meeting of House Committees on
Water & Land and Ocean, Marine Resources and Hawaiian Affairs
Friday, February 2, 2013, 8:00 AM, House conference room 325
in
SUPPORT
(conditional)
of
HB 509: RELATING TO MĀKUA VALLEY

Greetings of aloha to Committee Chairs Evans and Hanohano, Vice-Chairs Lowen and Cullen, committee members. Aloha to the communities of Mākua Valley. Thank you for the opportunity to log my CONDITIONAL SUPPORT of the intent of House Bill 509, but deferring to the community most closely connected to Mākua Valley.

I am a member of the Protect Kaho'olawe 'Ohana, and a lineal descendant of turn-of-the-century island ranchers. I serve on the board of the Kohemālamalama o Kanaloa/Protect Kaho'olawe Fund, also established in 1976 by George Helm to support grassroots efforts to preserve and protect lands throughout the Hawaiian Islands. I coordinated monthly accesses to Kaho'olawe for nearly 7 years.

I am here to share a bit about Kaho'olawe for the benefit of Mākua valley. I must disclose that I am not familiar with the scope and terms of the lease through which the Army trains in Mākua, particularly concerning the required condition at the end of the lease.

In October of 1990 the bombing of Kaho'olawe was stopped. Congress formed a commission – the Kaho'olawe Island Conveyance Commission, or KICC – to gather quantitative and qualitative data about the island and make recommendations as to its disposition. Those reports and recommendations then were circulated throughout the pae 'āina, and scoping meetings were held in several communities on each Hawaiian island to collect mana'o from the people of Hawai'i. This process took three years.

It was recommended that the entire island and all its resources be returned to the people of Hawai'i, and it's embodied in HRS Chapter 6K. When a Hawaiian sovereign entity is recognized, Kaho'olawe shall be the first land base; meanwhile, the State of Hawai'i serves as trustee and the Kaho'olawe Island Reserve Commission, housed at the Department of Land and Natural Resources, advises on clean-up and remediation, and oversees access and management.

The most important piece in HB 509 is §10, transferring Mākua to the public land trust, managed and held in trust until a sovereign entity is recognized, at which time it is transferred to a future Hawaiian sovereign entity.

Has there been a community-based process to deliberate and discuss this? We gathered mana'o from all islands, kūpuna and haumana, grassroots and military over three years time.

Secondarily, HB 509 sets up an infrastructure, the mechanics to realize that future by the creation of a Reserve, and a Commission to advise and manage it.

Strengths of HB509:

- It acknowledges Native Hawaiian cultural, religious, and subsistence customs, beliefs, and practices;
- The inclusion of the community groups, including lineal descendants and an at-large member of the Wai'anae community; and
- It does not release the Army from its responsibility for clean-up of ordnance and other harmful toxins.

Room for improvement:

- **No seat for the Army.** The U.S. Army, which holds the lease to said lands, should not have a seat on the Commission. If the Commission has the kuleana to enter into discussions with the Army, as articulated in §7 INTERIM ACTIVITIES, for the expedient return of the lands, then the Commission shall sit opposite the Army, holding it accountable.
- **Mākua Valley Rehabilitation Trust Fund.** If the reserve is expected to prepare itself to be transferred to a future sovereign entity, it must have the ability to receive grants and donations from private sources – individuals, corporate and philanthropic organizations. I urge this body to amend this section to enable the Commission to receive private funds.

Overall, HB 509 provides a solid infrastructure to clean-up, protect and preserve the three ahupua'a Kahanahaiki, Mākua and Ko'iahi that will ultimately contribute to honoring the sacred status of this 'āina in perpetuity.

As a member of Protect Kaho'olawe 'Ohana, I am here to support the 'ohana of Mākua. Mahalo for the opportunity to provide testimony in conditional support of HB 509.

Aloha 'āina.

Kim Ku'ulei Birnie
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