

Suit accuses Army of blocking visits to Makua sites



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A Native Hawaiian cultural group is suing the Army over access to Makua Valley. An Army Kiowa helicopter flies over a convoy of soldiers at the Makua Military Reservation.

The Army is violating a court settlement by restricting access to cultural sites in a valley many Native Hawaiians consider sacred, a lawsuit filed Monday alleges.

Attorneys for environmental law organization Earthjustice filed the lawsuit in federal court in Honolulu on behalf of Malama Makua, a Native Hawaiian cultural group. It's the latest action in a long-running legal dispute over

Makua Valley, the site of decades of military training.

A 2001 settlement allows Malama Makua to access sacred sites twice a month, but the Army suddenly imposed a “blanket ban” in 2014 when it claimed it first needed to obtain clearance from historic preservationists to cut grass on trails leading to cultural sites so that any unexploded ordnance could be avoided, the lawsuit said.

In September 2015 the Army obtained a grass-cutting agreement but said it then needed to investigate an accident that injured two contractors. The contractors were cutting grass for military training in April 2015 when live ordnance exploded.

The Army partially lifted the ban in November 2015 and allowed access to a few locations, including a paved parking area, a pavilion and ahu, or altars, that the community erected to celebrate the makahiki season, said David Henkin, an Earthjustice attorney.

While important to cultural practitioners, the areas are not cultural sites, he said, and the Army continues to block access to sites including temples, shrines, burials and petroglyphs.

U.S. Army Hawaii spokesman Dennis Drake says officials won't comment on pending litigation.

There's been no live-fire training in the valley since 2004.

“In the ... years of access there's never been anyone on an access who has stubbed their toe, much less been injured by unexploded ordnance,” Henkin said.

The contractors were cutting grass for military training, not cultural access, in an area that Malama Makua doesn't use, he said.

“Every excuse they've come up with, we've been patient — persistent but

patient,” he said.

Malama Makua consists of people who are “Hawaiian by blood and Hawaiian at heart,” mostly from the Waianae Coast, where the valley is located, Henkin said.

The settlement was “meant to be an opportunity for the people of the Waianae Coast and the broader community to reconnect culturally with a valley that’s been cut off by military training, and the Army doesn’t like that,” he said.