

**Waikane Restoration Advisory Board (RAB) Meeting
Marine Corps Base Hawaii (MCBH)
Waiahole Elementary School
April 18, 2012
Meeting Minutes**

MEETING ATTENDEES

Community Members

David Henkin, Community Co-Chair

Contact Information: Phone: 599-2436 ext 6614, E-mail: davidlhenkin@yahoo.com

Byron Ho, RAB Member

Kyle Kajihiro, American Friends Service Committee (AFSC), RAB Member

Penny Rapoza, RAB Member

Peter Rapoza, RAB Member

Violet Roberts, RAB Member

Hannah Salas, RAB Member

Lucy Salas, RAB Member

Emil Wolfgramm, RAB Member

Momi Wolfgramm, RAB Member

Byron Ho, RAB Member

Ray Kamaka, farmer

Stan Kamaka, farmer

Kilikina Kekumano

Kahu Kauhane

Glenn A.

Bill Kekumano

John Kilbey, Waikane resident

Paul Zweng, Waikane land owner

Regulatory Agency Representatives

Steven Mow, Hawaii Department of Health (HDOH)

Wendy Ray, HDOH Hazard Evaluation and Emergency Response (HEER)

Michael Fry, U.S. Fish and Wildlife Service (USFWS)

Robert Harter, City and County of Honolulu

MCB Hawaii and Navy Representatives

Captain Derek George, U.S. Marine Corps, MCB Hawaii Co-Chair

Lance Higa, Remedial Project Manager, NAVFAC Pacific

Randall Hu, Sr. Environmental Engineer, MCB Hawaii

Richard Hosokawa, NAVFAC Pacific

Joe Strzempka, NAVFAC Pacific

Other Attendees

Bob Nore, USA Environmental

Kirk Markle, Environmental Science International (ESI), Inc.

Rachel Ross, ESI, Inc.

Welcome and Introductions

7:10 pm. David Henkin welcomed everyone and thanked people for coming.

1. Meeting Action Items

7:11 pm. David Henkin proceeded to the first order of business, approval of the minutes of the January 12, 2012 RAB meeting minutes. He said that the minutes were short because there is also a transcript of the meeting from a court reporter that recorded what people had to say. There were two errors in the transcription. David Henkin asked if the RAB members had time to review it.

Randall Hu said that the transcript is on the website, and it's a 60 page document.

David Henkin said he read through it carefully and with the exception of a couple of words that he pointed it out, it looked good to him.

Randall Hu said that David Henkin's comments on the transcript had been sent to the court reporter.

No comments or edits were suggested and the minutes were approved.

Captain Derek George introduced himself and welcomed everyone, and turned the meeting over to Lance Higa.

2. Waikane Valley Draft Decision Document and Responsiveness Summary

7:15 pm. Lance Higa introduced himself and went through the Waikane Valley Draft Decision Document and Responsiveness Summary presentation (See Presentation for slide by slide). He explained the CERCLA process and where the remediation project currently stands, which is at the official decision point. He presented a map of the Site and described the area within the scope of the project, known as the Waikane Valley Impact Area, as well as the adjacent area currently being investigated by the Army Corps of Engineers (ACOE). Lance Higa then summarized the Site history, results of previous investigations at the Site, and the Remedial Investigation and Feasibility Study. He then explained that the Decision Document presents the selected alternative, addresses comments, and is signed by the Marine Corps and the Hawaii Department of Health.

Lance Higa presented a map showing the Northern and Southern Areas and the cultural sites within the Northern Area that will be accessible after the project is complete. He said that the goal of the selected alternative is to obtain unrestricted use in the southern area, and that once the alternative is completed, the Marine Corps will seek approval for unrestricted land use. If unrestricted use cannot be obtained for the Southern Area, the Marine Corps will re-evaluate land use options and select alternative actions which maximize land use objectives.

Lance Higa presented the Responsiveness Summary, summarizing the comments received on the Proposed Plan, and the response to each comment:

1. The width of the corridor to the cultural sites was revised from 8 feet to 50 feet in response to comments that the corridor was too narrow.
2. The Marine Corps recognizes that all-terrain vehicle access to the Waikane Valley Impact Area is a concern of residents, but the Marine Corps has no jurisdiction outside the WVIA fence line. Lance Higa asked for the public's help in alerting the Marine Corps to such trespassers by alerting Military Police at 257-7144.
3. Commenters requested that the accessible area in the Northern Area be cleared, and the Marine Corps agreed to clear the 2.9 acres of accessible area.
4. Incorporation of new technology into the cleanup process was requested, and the Marine Corps will evaluate new technologies in 5-year reviews.
5. Commenters requested that the start date for public education program be moved forward, and the Marine Corps replied that it can do that and will coordinate with the ACOE to offer training to schools and community groups.

Lance Higa then reviewed the project timeline, which shows that the remedial action will occur from 2014 to 2017, and explained how to contact the Navy about the project, as well as where important documents could be found online at the Waikane RAB website, at the library, and at the Key Project. He then asked if there were any questions.

3. Open Discussion

7:40 pm. Kahu Kauhane questioned the military's ownership of the WVIA. He asked for the leases, the Army Corps of Engineers (ACOE) plans, and to see the deed that makes the WVIA land the military's land and gives them the jurisdiction to be there. He explained that the WVIA land belongs to the Kamaka family and that this cleanup presentation should be directed to the owners of the land, the Kamaka family, and not to the RAB. He asked why the public would have any input on private land. He also questioned the ACOE plans and the deed that made the adjacent land theirs to cleanup. He stated that the Kamaka family has been dealing with this cleanup process since the 1960s and they want a meeting to discuss the land ownership.

David Henkin addressed the question and comments. He explained that he understood the Kamaka family's concerns, and that he was not defending the actions of the military in any way, but that the RAB cannot resolve the land dispute during this meeting. All the RAB can do is support the Kamaka family and get the land cleared so that, if the people do get the land back, it is useful. He added that, after the last meeting, it was clear that the RAB and community support the family. But the RAB meeting needs to focus on the cleanup plans. He thinks that the Marine Corps has heard the family and addressed the community's comments related to the restoration of the land.

Kahu Kauhane questioned putting up additional fences and explained his frustration with trying to get the titles, deeds, and ACOE plans that he has requested.

David Henkin replied that there are no ACOE plans yet. He revisited a slide from Lance Higa's presentation showing the Waikane area map, showing which part this RAB meeting was about, and which part the ACOE RAB meeting would cover next week.

Captain George explained that the issues of land ownership, deeds, and leases, are out of the scope of the RAB. The RAB forum is to discuss cleanup. The Marine Corps representatives to the RAB don't have the ability to provide the Kamakas with the land ownership decisions they want, however, comments are being noted in the minutes.

John Kilbey expressed support for the Kamaka family, but agreed that the RAB is not the venue to discuss their legal concerns. He urged the Marine Corps to meet with the family separately. He said the land ownership discussions detract from both the legal and the environmental issues, and reminded the group that they can only deal with the cleanup here.

Emil Wolfgramm said that the ownership issue is the fundamental issue and everything else is temporary. He expressed concern that the issue of the United States occupying and claiming Hawaiian land has been neglected for 130 years. He discussed Hawaii's status as a member of the United Nations with its own constitution for the Kingdom of Hawaii, and explained that the title to the WVIA land is not clear.

Kilikina Kekumano discussed Hawaii's legal history with America and questioned the United States' claim to the land since the US admits to violating the neutrality of the Kingdom of Hawaii and there is no writ of law for any titles.

David Henkin expressed his belief that the RAB has been sensitive to the family's claims, but emphasized that the RAB meeting is about determining whether the cleanup plan will put the land in a condition to be returned to the family. He said he'd like to focus on the proposed cleanup.

Ray Kamaka expressed concerns about the land title, the lack of cleanup progress, and that this plan is another example of the government just repeating the same story. He stated his family goes back to the 1700s and there was never a proper title to the land. He explained that the land was returned to the people a mess in 1976, and he has a thousand photos

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showing that it had not been cleaned. He believes the government wants the water rights and they are just waiting for the people to die, and that Inouye is the downfall.

David Henkin referenced an email sent by Kahu Kauhane, representing the Kamaka family, and a specific comment in the email which says that he (Ray) and the family generally support the Marine Corps' plan.

Ray reemphasized his belief that this is the same plan, the same documents as before.

Captain George explained that the Marine Corps is definitely in the process of finalizing the document so they can execute the plan and make progress with cleaning up the site. For now, the Marine Corps needs to hear the community's feelings about the plan, and specifically if the plan is sufficient, so that it can be approved and the Marine Corps can receive the funds needed to execute the plan. He said that he would gladly talk with Ray Kamaka after the meeting and take what he has to say to his leadership, but that the RAB meeting needs to focus on the plan.

David Henkin asked if there were any questions about clarifying the plan.

Emil Wolfgramm said that he has looked at the reports and as a physicist, he would like to say that he does not think the study is adequate. He said they chemically tested the soils, and he asked where the data is. He said that there are no parts per million (ppm) data shown in the report at the Key Project and public library, and that his professional opinion is that the report is inadequate and on the wrong scale.

David Henkin explained that the Remedial Investigation (RI) concluded that no chemical contamination risks were found, but there is an explosive risk from MEC, so the focus of the cleanup is not on chemicals in the soil, but on removal of explosives.

Byron Ho asked if there is no baseline, how will they know if it's better after the cleanup, and if the land controls are needed.

Lance Higa replied that there will be five-year reviews. The reviews look at the controls and evaluate new technologies to see if there are advances.

Bob Nore added that the reviews also evaluate the clearances.

David Henkin further explained that the baseline is the determination of where the explosives are located based on the RI. The five-year reviews make sure the cleanup was adequate and assess if further remedial action should happen if new technologies make it possible to clear the northern area.

Glenn asked if there were GPS coordinates available so that the people could hire their own contractor to re-do the study on their own to determine whether they get the same results.

Bob Nore replied that they are available.

Glenn asked what the deepest depth surveyed was, and asked if military technology was used in Iraq to find explosives.

Bob Nore answered that the deepest MEC found was at two feet deep, and that they surveyed to the depth of detection.

Glenn asked why the map said "Formerly Used" and why the past tense is used.

David Henkin explained that the area Glenn was referring to was the ACOE area, and not the focus of the Marine Corps efforts. He mentioned that the ACOE meeting is scheduled for April 25 at Waiahole Elementary School at 7 pm. David Henkin said that the terms were just used to differentiate the two areas.

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Glenn asked if any of the munitions were identifiable by manufacturer or color, and asked who the munitions expert was at the meeting.

Captain George said that there was not a munitions expert at the meeting, only remediation experts were brought to this meeting.

Glenn asked if the RI could be presented to the board.

Captain George explained that the RI has been presented previously, and Glenn should review the RI and Feasibility Study, because it has the answers he's looking for.

David Henkin added that the reports are available at the Key Project and the public library for review. He said that he has a copy he could share as well.

Glenn requested a presentation of the data and Emil Wolfgramm expressed concerns about the scope of the RI and adequacy of the data. He said the explosions could have left chemicals in the soil and asked why the RI did not measure soil. He said that the Marine Corps needs to bring its scientists to discuss the RI with the RAB, because this is a political process and the people have not received the data.

David Henkin replied that the May 2010 RAB Meeting presentation contains a list of all the ordnance found during the RI, and he read the list aloud.

Glenn asked if there were vehicles in the area, why there were warheads used in the valley, and why the military couldn't just clear all of it like they do in Iraq.

Bob Nore replied that there were no forests then, in the pictures from 1943, and that the pictures are available in the reports. He explained that there were explosives fired from one ridge across the valley to the other ridge.

Richard Hosokawa further explained that Glenn was coming into the discussion late as the overall process started four years ago and the Remedial Investigation was presented at previous meetings. He also asked that written comments be sent in because it really helps the Navy and Marine Corps to respond to the comments.

Glenn asked how he would know that his comments are getting addressed.

Richard Hosokawa replied that they respond to them in the document.

Captain George asked if Glenn had a chance to review the investigation and other documents.

Glenn said he had not.

Captain George recommended that he read them because a lot of his questions will be answered, and David Henkin explained that all of the documents could be found at the Key Project and the Kane'ohe library.

David Henkin stated that the goal of the remediation is unrestricted use of the southern area, and asked if a modification to the Proposed Plan was needed for post-cleanup assessment to determine whether or not the cleanup would get approval for unrestricted use.

Lance Higa explained that the Navy and Marines would do an evaluation of the cleanup after it was complete.

David Henkin said the proposal states that there is no MEC in the southern area, and the proposal is to do a surface clearance of that area, and if MEC is found, there will be subsurface clearing of the area 50 feet around the MEC. He asked

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if that would be adequate to get unrestricted land use approved if they find MEC and subsurface clear around it. He said that the plan needs to be sufficient to get unrestricted land use once completed.

Michael Fry said that the EPA has to sign off on the unrestricted land use.

Richard Hosokawa said that, since the site is not a Superfund site, the EPA does not need to approve it. He said cleanup is to CERCLA standards.

David Henkin asked whether, if MEC were found in the southern area, there is a possibility unrestricted land use would be lost, and if so, what do they need to do in order to get unrestricted land use. He said that they don't want to wind up right back in the same place in 2017.

Randall Hu responded that there is no evidence of MEC in the southern area, but it does have to be cleared. He said that, if MEC is found, the Department of Defense could change the plan, and adjust the boundary, or there can be further remedial action.

Kyle Kajihiro asked if finding MEC in the southern area would lead to changes to the plan. He suggested that the plan have an adaptive management provision to provide for modifications to the plan in the event that explosives of concern are encountered during clean-up.

Randall Hu replied that the plan is based on the expectation that the southern area would be clear of MEC, but if MEC is found, they will clear 50 feet in all directions.

Paul Zweng asked if the plan was too optimistic, and, if so, would the Marine Corps have to go back to the drawing board. He asked if there were a specific number that would send the project back to the drawing board.

Captain George said that it was possible, yes, that they could have to go back to the drawing board, but they're trying to avoid that and clarify now. Those are things they would have to address if they came up.

David Henkin expressed concern that the Department of Defense Explosives Safety Board may not allow unrestricted land use in the southern area even if it is found to be clear of MEC during the cleanup actions. He suggested there be language added to the plan saying that if the southern area is found to be clean of MEC, there will be unrestricted land use.

Steven Mow questioned why the work timeline says cleanup would not begin until 2014. Since the site is high priority, cleanup should be pushed forward.

Lance Higa said that they can try to push it forward.

Emil Wolfgramm expressed concern that the scope of the soils testing was inadequate and should have addressed metals, including the compounds from combustion of ammunition that can persist in the soil.

Steven Mow explained that the investigation was driven by the discovery of 2.36" High Explosive Anti-Tank (HEAT) rounds and, accordingly, the Marines were primarily looking for copper and lead resulting from munitions.

Byron Ho asked if copper could remain in the soil, and Emil Wolfgramm added that, if the chemicals are not water soluble, they could still be there.

Richard Hosokawa explained that the data were presented in the RI.

Emil Wolfgramm said that he hasn't seen any data and asked for the data.

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Richard Hosokawa offered to provide Emil with either a hard copy or CD of the RI, and Emil asked for a CD copy.

Paul Zweng indicated he would review the RI with Emil Wolfgramm, and that the document should have maps showing the concentrations of chemicals in the soil.

Randall Hu and Richard Hosokawa both expressed appreciation for any comments Emil and Paul may have and asked that the comments be submitted in writing.

David Henkin said he will get the RI to Paul for them to review, and then asked if there was a deadline for comments.

Joe Strzempka said the deadline is April 30th.

Paul Zweng asked what the procedure was from here, if the Decision Document needs to be approved.

Captain George said that they compile comments, revise, then route the Decision Document through the base and agencies for approval.

Paul asked what the timeline for evaluation was.

Captain George replied that it needs two weeks for internal review at the Marine Corps once the document is complete, if MCBH is the first to sign.

Steven Mow asked if the Decision Document required JAG review, which would slow the process.

Captain George replied that they keep legal in the loop throughout the entire process.

Steven Mow said that the state review would take two days, but he's not the signer. He said that, since this is a high-priority site, being a 3 on a scale of 2 to 8, they should move quickly and secure the funding now.

Michael Fry said that, in 1976, twenty thousand pounds of ordnance were found. In 1983, another sixteen thousand pounds were found. He asked if there was further live-fire between 1976 and 1983, or if this was ordnance not found the first time, in 1976.

Bob Nore said that there was no firing or training in the valley after 1976.

Captain George said that things wash down, because of the locations, and many factors may have contributed to finding more ordnance, but it was not due to added use.

Michael Fry asked if the additional ordnance found may have been uncovered due to erosion.

Lance Higa said it could be, and that the area was heavily vegetated, which hides munitions well. He said that the equipment is made for use in flat areas.

Bob Nore said that technology has improved greatly since 1976 and 1983 when the main method was visual inspection.

David Henkin said that he has spent a lot of time working in court and out of court challenging the military on environmental matters and that he feels the Navy and Marine Corps have listened to the people here. He said that he prefers unrestricted land use, cleaned land, and return of all of the land to the Kamaka family, but that is not an option yet. He said that the people have been asking for the cleaning and return of the lowland farmland, and the Marine Corps has heard us. David Henkin said that, if you look at the Decision Document, there are responses to comments. All of our comments are

addressed and agreed with, and changes were made based on the comments. He said that this is an unusually high level of responsiveness. David Henkin said that he supports the plan.

Momi Wolfgramm said that she understands the plan, but that this meeting is coming after the fact. She questioned what message the people are sending to the military by agreeing to this plan. She said to look at Makua: the people have said don't go in there because it's culturally significant. The military responds that they have to go in, they ruin it, and then spend years cleaning it up. She asked if the military cares about the people and places. She said they need to be more mindful, and instead of damaging land then cleaning it up, they need to not damage it at all. She asked if there was any way to make the military more responsible.

Byron Ho said that he went to the national website and that Hawaii is not alone. He said that every state has a target place so the military can train, and that all the community can do is cleanup our little speck. He said that the people should write to the senators and congressmen.

Momi Wolfgramm said that the military wants to destroy.

Penny Rapoza said that the damage is done, but that even now, there continues to be damage and dumping in the valley. She listed items being dumped and said she has met with the State, and signs have been put up, but people are still dumping into the river and going up in four-by-fours. She said that the military is trying to cleanup, and the community could be making changes as well but is not. She said that the City and County and Department of Land and Natural Resources don't work on the weekends so there is no monitoring then. Penny Rapoza said that the teenagers call the area "the backyard" and go up there and go mudbogging. She said the dumping and mudbogging are causing the flooding because the water has no place to go. She said that she applauds the military for trying to cleanup, but the City and County has to help.

Michael Fry said that fifteen years ago the military had a very different attitude: if it didn't hurt the military, it doesn't hurt you. He said the military has changed radically.

David Henkin asked for additional comments, and there were none. He said the next meeting date is to be determined, and asked for a rough date.

Lance Higa said maybe in the fall.

4. Meeting Conclusion

David Henkin thanked everyone for coming.

Captain George thanked everyone for coming. He said that they can't change history but that they are trying to make improvements and trying to do the right thing. He thanked everyone for sticking it out over the long course.

9:00 pm. Meeting adjourned.