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Waikane Valley Restoration Advisory
Board Meeting and Proposed Plan Meeting
Waiahole Elementary School
January 12, 2012

1 MR. HIGA: Good evening. My name is
2 Lance Higa. I'm a project manager with the Naval
3 Facilities Engineering Command Pacific. We are
4 performing the environmental restoration work for the
5 Marine Corps Base Hawaii.

6 Restoration work at the Waikane Valley
7 Impact Area is being conducted under the Comprehensive
8 Environmental Response, Compensation and Liability Act
9 of 1980. It's a process that the Department of
10 Defense has adopted as a model for environmental
11 cleanups. The United States Marine Corps invites the
12 public to review and comment on this proposed plan for
13 the Waikane Valley Impact Area. The public notice for
14 this meeting was in the January 1st, 2012 newspaper.

15 As the captain and David have indicated,
16 we have a court reporter tonight to document any
17 comments that you may have on the plan. And if you
18 have any written comments, in the back of this
19 document here, your packet, there's a place for you to
20 provide that.

21 Before I get too far into the
22 presentation, I'd like to summarize the topics that
23 I'll be going over tonight and give a few acronyms and
24 a little bit -- just a little bit of the definitions.
25 First I'm going to go into a little bit of the site

1 history and background and review a little bit of the
2 feasibility study that was presented last time. Then
3 we're going to make a -- then I'll present the
4 proposed plan, the preferred alternative that we've
5 come up with. Then we'll have a formal comment period
6 where you may comment and make any comments and be
7 recorded by our court reporter.

8 At that point we're going to have a break
9 in the program, of the official proposed plan portion
10 of the meeting, and then we're going to resume with a
11 little bit of our normal RAB discussion. I'm going to
12 give you a little preview of the decision document and
13 then kind of close, kind of give you guys an idea of
14 where we're heading with the project schedule.

15 So before we get started, in the
16 environmental business and military there's a lot of
17 acronyms. I've tried to minimize the use of these in
18 the presentation, but there are a couple that you just
19 can't get away from, get away from addressing, and
20 that's this MPPEH, that's material potentially
21 presenting an explosive hazard. That's kind of an
22 umbrella term for munitions. It refers to anything
23 that's related to munitions, just a generic term.

24 Then we have our munitions and explosives
25 of concern. That's an actual munition item that has

1 been determined to have an explosive filler or have a
2 potential to explode.

3 We have MC or munitions constituents.
4 This is the actual chemical components of the
5 munition. Not only the explosive filler, but also the
6 metal casing that the explosive is contained in or
7 munition.

8 And finally, one definition for tonight,
9 accessible land. For purpose of our investigation out
10 there, we've found that accessible land, meaning that
11 it's safe for our workers to go out there and perform
12 munitions clearance. So for the purpose of this
13 investigation it's slopes less than 30 degrees.

14 This is a quick outline of the process
15 that we're in. There are basically three phases and
16 there's kind of a last section on long-term
17 management. The first phase is the investigative
18 phase. We're just kind of closing out that phase
19 right now. It's composed of preliminary
20 investigation, the site inspection that was completed
21 in 2009, our remedial investigation, that feasibility
22 study that we just completed. Our next major phase is
23 the decision document. That's where we officially
24 determine what we need to process or we're going to
25 proceed in. Then following that we have our cleanup

1 phase where we actually go out there, make the plans
2 and we go out there and do the cleanup. And the last
3 being the long-term management. If there's any type
4 of controls that we need to implement on the area,
5 this last category, like maintaining the fence or
6 maintaining any type of signs, that's what long-term
7 management is.

8 I'd like to bring to your attention that
9 we're in the -- that today starts off our comment
10 period for the proposed plan. The comment period ends
11 on February 13th, so we've got about a little over a
12 month for our comments.

13 Just to orient everybody, I'm sure
14 everyone is familiar with this area, but just in case,
15 the Waikane Valley Impact Area is located over here on
16 the northeastern part of the island. It's actually
17 part of a larger training area that the U.S.
18 government used for training. That's the Waikane
19 Valley Training Area, that's this area here in yellow.
20 What we're talking about tonight is the Waikane Valley
21 Impact Area. It's a smaller area here in red.
22 Tonight's discussion will focus only on this area
23 right here.

24 Moving on to the site history. Waikane
25 Valley Impact Area was used by the U.S. Army during

1 World War II for training. In 1953 it was leased to
2 the Marine Corps for small arms and rocket firing. In
3 1976 and in 1984 the Marine Corps performed a
4 clearance on the area and identified that there were
5 explosive risks in the area. In 1989 the government
6 acquired title to the 187-acre site. And in 2005 the
7 training area was closed and was added to the Navy and
8 Marine's munitions response program. Right here you
9 have a picture of U.S. soldiers training around 1943
10 in the valley.

11 MR. WOLFGRAMM: I have a question. The
12 purchase of the property, who made the purchase? Was
13 it the Marines?

14 MR. HU: It was the U.S. government. The
15 U.S. government.

16 MR. WOLFGRAMM: Who did they purchase it
17 from?

18 MR. HENKIN: I think that you're
19 referring to the condemnation.

20 MR. HIGA: Yes.

21 MR. HENKIN: Which is obviously a very
22 controversial issue and one that I would encourage us
23 to focus more on the cleanup rather than that history
24 for purposes of this and just note that whether the
25 U.S. government properly condemned the property or

1 acquired title to it or whether that was unlawful is a
2 separate topic for a different time, if that's okay.
3 I mean, I appreciate that the Kamaka family probably
4 would like to have on the record that they do not
5 recognize the condemnation of the property and if we
6 could just leave that aspect of it at that and focus
7 on going forward, the cleanup and hopeful return of at
8 least a portion of the property, I think that would
9 help. Lance.

10 MR. HIGA: Moving on, my next two slides
11 really briefly summarize some of the previous
12 investigations that were conducted on the site. And
13 in 2009 we completed a site inspection and we -- it
14 confirmed the presence of munitions and explosives of
15 concern at the site and identified potential target
16 areas that were shot at. Recommended a remedial
17 investigation that followed on in 2010 to approximate
18 the amount and location of the munitions and
19 explosives of concern at the site.

20 Each investigation consisted of a
21 munitions and explosives of concern investigation and
22 a munitions constituent investigation. During both
23 the ESI and the RI soil and sediment samples were
24 collected and they were used to conduct a risk
25 assessment, a human health risk assessment and an

1 ecological risk assessment. Using that data, the risk
2 assessment determined that there were no unacceptable
3 risks to human health and that the ecological risks
4 were within acceptable range. So this is regarding
5 the munitions constituents, the chemical components of
6 that.

7 Moving on to the munitions and explosives
8 of concern investigations, as I said, the site
9 inspection identified areas where there was munitions
10 on the surface. The RI followed on and conducted a
11 surface clearance and a subsurface investigation of
12 these areas. It identified 92 munitions and
13 explosives of concern and 26 material potentially
14 presenting an explosive hazard. All but two of those
15 were found on the ground surface. The last two were
16 found within six inches of the ground surface.

17 We did not find any material potentially
18 presenting an explosive hazard in the southern area
19 and the investigation defined where the munitions were
20 concentrated. If you refer to the map here, we found
21 that most of the munitions were concentrated in this
22 central area here that we have called the northern
23 target area.

24 We did find some other items out here in
25 this large area that we call the northern non-target

1 area and the southern area that we refer to right here
2 on the bottom along the stream. Now, the southern
3 area here is the most accessible of that area as far
4 as terrain goes and these northern areas are a little
5 harder to access because of the terrain. I just want
6 to make note of that as we get on to our next slide.

7 Using our information collected in the
8 munitions and explosives of concern information that
9 we collected during both the SI and the RI, we
10 performed what we call a munitions and explosives of
11 concern hazard assessment. Since we found most of the
12 munitions concentrated in the northern target area, it
13 was determined that that area has a high explosive
14 risk. Because we did find items in the northern
15 non-target area, it was determined that that would be
16 a moderate explosive risk. And also in the southern
17 area we did not find any items, so we determined that
18 there was no explosive risk, based on the data that we
19 had.

20 Now, one of the reasons why this area
21 here in yellow has a moderate explosive risk is
22 because it's not very accessible. It's composed of
23 106 acres and approximately three of those acres are
24 accessible. The rest of it is heavily vegetated and
25 the slopes are very steep and very treacherous. In

1 the target area, the area here in red, approximately
2 36 percent of that is accessible. The rest of it is
3 very steep and very dangerous.

4 Using the data from our hazard assessment
5 and the remedial investigation and the site inspection
6 data, we put together a feasibility study. The
7 feasibility study was presented in detail during the
8 previous RAB in September. As a summary, the
9 feasibility study used the site inspection and the
10 remedial investigation to determine remedial action
11 objectives. These objectives were to prevent current
12 and future exposure to munitions and explosives of
13 concern through reduction of munition explosive of
14 concern hazards, restore the site to support existing
15 and future land use, to protect and provide access to
16 cultural sites, and to also prevent migration of
17 munitions and explosives of concern into accessible
18 areas.

19 Using these objectives we came up with
20 four potential alternatives, one being no action.
21 That's kind of a baseline that all of these studies
22 are taken into account to establish a baseline on how
23 to proceed on a site. We looked at land use controls,
24 putting up things like fences, signs, restrictions.
25 We looked at surface clearance of any accessible land

1 and any possible land use controls that may be
2 associated with that. We looked at surface and
3 subsurface clearance of these areas, also with land
4 use controls.

5 Each of these alternatives were then
6 evaluated individually, they were assigned a score,
7 and compared against nine EPA recommended criteria.
8 So these nine criteria are broken into three basic
9 categories. There's our threshold criteria, which is
10 composed of the first two. This criteria has -- each
11 alternative must meet these two criteria in order to
12 be evaluated any further. We must be protective of
13 overall human health and the environment and must
14 comply with any applicable, relevant and appropriate
15 requirements.

16 Once each alternative has met those, it
17 moves on to our balancing criteria. That's criteria
18 here listed 3 through 7. This is the criteria that
19 the feasibility study looks at and compares. It looks
20 at is our alternative effective for the long term. It
21 looks to see if it reduces toxicity, mobility, or
22 volume of contaminants through treatment. It looks to
23 see if it's short-term effective, whether implementing
24 this causes so much trouble to the community that it's
25 not worth putting in. It looks at implementability,

1 if it's even technically possible to implement our
2 alternative. And lastly it looks at cost, just
3 basically how much is it going to cost to implement.

4 The last two criteria are modifying
5 criteria: regulatory agency acceptance and community
6 acceptance. This is basically where we're at right
7 now, where we get feedback from the community and from
8 the regulatory agencies.

9 Okay. Based on the feasibility study
10 results and the feedback from the last RAB meeting in
11 September, the project team has developed a preferred
12 alternative that maximizes the potential for
13 unrestricted use in the southern area. To achieve
14 this the Marines propose a surface clearance of
15 accessible lands within the southern area and the
16 northern target area; a -- actually it's the northern
17 area; a subsurface clearance of any munitions and
18 explosives of concern that are discovered, should they
19 be discovered in the southern area; a subsurface
20 clearance of corridors from the southern area into the
21 northern area on to the Kamaka Shrine and the Waikane
22 Spring; and also a subsurface clearance along a
23 10-foot buffer between the northern and southern area.

24 MR. HU: Lance, you were correct in that
25 it is for the northern target area, northern surface

1 clearance.

2 MR. HIGA: Okay. To limit exposure to
3 explosive hazards in the northern area we're going to
4 look at some land use controls, some additional
5 fencing. We propose removing the existing fence
6 around the southern area because we feel that there's
7 no explosive hazards there. We're going to propose
8 erecting a new fence between the southern and the
9 northern area. Also as a control, to implement a
10 community and education and awareness program, passing
11 out fliers, a type of education program at the school
12 to pass information about the explosive hazards,
13 potential explosive hazards in the valley. And also
14 long-term management. That would be annual
15 inspections and five year reviews basically of any
16 controls that are put in.

17 So what does that all mean?
18 Unfortunately, on this picture it's a little dark, but
19 if you refer to your handout, since the -- since the
20 munitions and explosives of concern were only found in
21 northern target area and northern non-target areas,
22 and these areas are the least accessible, these areas
23 were combined into one area and we're just calling it
24 the northern area. This area would remain in control
25 by the Marines due to the explosive hazards present

1 site and also because of the terrain. A new fence
2 would be constructed between these areas. This is the
3 northern area here. This is the southern area. The
4 fence is this blue line, dark blue line that runs
5 along the border there.

6 MR. KAUHANE: Where's the fencing?

7 MR. HIGA: That's our proposed fence.
8 There is no fence there right now.

9 MR. KAUHANE: Even though that is a
10 proposed area, please put a proposal inside of there
11 so that as Hawaiians we are allowed access to our
12 cultural sites that are there.

13 MR. HIGA: I'm going to get to that.

14 MR. KAUHANE: Okay, right on. I was --

15 MR. HIGA: If you have any comments,
16 later on --

17 MR. KAUHANE: Excuse me, I'm sorry.

18 MR. HENKIN: What I would like to suggest
19 is just as a way to go forward is we'll let Lance
20 finish his presentation, then we'll allow everyone to
21 ask clarifying questions just so we know what the
22 proposal is and what the contours of it, and then
23 we'll move into comments, you know, you like this, you
24 don't like that, that kind of thing, if we could do
25 that. Lance.

1 MR. HIGA: Okay. Taking a closer look at
2 the southern area. This area is more accessible. It
3 contains a majority of cultural and archaeological
4 sites and is the most -- and from the last meeting it
5 is the area that has most interest for the community.
6 The goal of our preferred alternative is to obtain
7 unrestricted use of the southern area. This is -- of
8 course part of that would be to surface clear --
9 surface cleared to confirm that there's no munitions
10 and explosives of concern in the southern area; to
11 subsurface clear a buffer zone between the northern
12 and the southern areas; to subsurface clear borders to
13 the cultural sites in the northern area. Once in
14 place, the fencing controls will be maintained through
15 long-term management. And lastly we're proposing
16 removing a fence. That's an existing fence that's
17 demarcated by this yellow line surrounding the
18 southern area.

19 So the Marines feel that the preferred
20 alternative is the best choice for the Waikane Valley
21 Impact Area because it reduces the explosive risk by
22 removing munitions and explosives of concerns from
23 accessible areas; it provides a buffer zone between
24 the northern area and the southern area; it provides
25 safe access to sites of known cultural significance in

1 the northern area; and provides the best potential for
2 unrestricted use in the southern area.

3 Although this preferred -- this is the
4 preferred alternative at the time, the Marine Corps
5 welcomes public -- any public comments. The Marine
6 Corps will choose the final remedy after the comment
7 period ends and may select revised options after
8 taking public comments into account.

9 Once the preferred alternative is
10 completed, we will seek approval for the -- for
11 unrestricted land use in the southern area. In the
12 event that there are restrictions, we'll continue --
13 we will evaluate what additional actions can be taken
14 to maximize use.

15 If you have any comments on the proposed
16 plan or the preferred alternative, the public comment
17 period starts today and ends on February 13, 2012.
18 There are two ways to provide comments: oral or
19 written comments tonight at this public meeting, or
20 written comments to the Marine Corps by mail or email.
21 If you desire any additional information, copies of
22 the proposed plan and any document that I've talked
23 about tonight is available at the Kaneohe Public
24 Library, the KEY Project down the street here, and at
25 the Hamilton -- UH Hamilton Library. And it's also

1 available on the Waikane advisory board Web site. If
2 you would like to provide any written comments, I'd
3 like to remind you that there is a comment sheet
4 provided on that in the proposed plan. If you have
5 any comments, please identify yourself for the court
6 reporter. Lastly, if you want to send any written or
7 email, you may send them to Randall Hu. His contact
8 information is listed here on the slide.

9 If there are any questions or comments,
10 this is the starting of our comment -- official
11 comment period.

12 MR. HENKIN: What I'd like to request of
13 folks again is let's first all make sure that we know
14 what the proposal is. So if people could first ask
15 any questions you might have, clarifying questions,
16 and then we can get into what you think about it.
17 Does anyone have any questions on what the proposal
18 is?

19 MR. HO: Okay, so Byron Ho. Based on
20 what the available tools and techniques that we have
21 presently, based on that, that we're saying that the
22 northern entire area with the heaviest is at this time
23 not feasible to clean it up to a level, right, that it
24 would be safe?

25 CAPTAIN GEORGE: Right.

1 MR. HO: And that's why we're only going
2 to do the southern area because the technology
3 available should be able to make that -- to clean it
4 up so that people can use it in a useful rate and
5 whatever it is.

6 CAPTAIN GEORGE: Right.

7 MR. HO: So in the future if the
8 technology ever got better, could we go back and try
9 to clean up the area again?

10 CAPTAIN GEORGE: That's a good question.
11 I don't have the answer to that now, but I could
12 assume that considering that it is still a part of a
13 CERCLA process, that it could be revisited.

14 MR. HO: The only thing I see is like
15 there's two cultural sites are isolated, but they're
16 going to have a corridor cleared to get them. And
17 these are only the ones that we know for sure that are
18 there. There may be future sites that we know about,
19 and I'm thinking that if those sites are identified,
20 what are we going to do, you know, to get access to
21 those. I mean, because right now it's based on what
22 information we have, right?

23 CAPTAIN GEORGE: Right.

24 MR. HO: So I'm just thinking ahead and
25 after this is all done what we need as a process to go

1 back and relook at the places that we didn't clean up
2 or do the right thing. And I would suspect that would
3 be part of the maintenance, right, the five year, or
4 is that maintenance just what we've done, like the
5 fence and all that stuff, maintain the fence and
6 things like that?

7 CAPTAIN GEORGE: The maintenance is going
8 to be more so focused on the area that has been deemed
9 clean.

10 MR. HO: So it's not going to look at
11 what wasn't.

12 CAPTAIN GEORGE: Like you said, unless
13 there's some available technology that's developed, I
14 would say more than likely that inaccessible areas
15 right now are --

16 MR. HO: Still going to remain.

17 CAPTAIN GEORGE: -- they're not going to
18 be accessible.

19 MR. HENKIN: Kahu.

20 MR. KAUHANE: On top of the annual
21 inspection for five years and review for 30 years, if
22 any ordinance is found, can we state that what we had
23 said here 50-foot area around so that there's no
24 condemnation of the whole land, like what happened the
25 last time to the families? In other words, if a new

1 area is found, take a 50-foot radius and, you know,
2 fence that off instead of condemning the whole
3 ahupua`a for that sense. So we have that on top of
4 the third alternative when that came up.

5 MR. HENKIN: I'm finding it really hard
6 to hear you.

7 MR. KAUHANE: That alternative, if we go
8 back on top of there, the third alternative. So page
9 6.

10 MR. ZWENG: Slide 13.

11 MR. HU: So is your question that if
12 the --

13 MR. KAUHANE: If a munition is found.

14 MR. HU: After the --

15 MR. KAUHANE: After the work is done.

16 MR. HU: After the work is done and say
17 people access the area and munitions are found, it
18 will come under the land use controls aspect, which
19 will be part of the remedy, in that if there are
20 munitions found, then there will be on call
21 construction support, much like what is done for the
22 Army Corps FUDS program.

23 MR. HOSOKAWA: Randall, since this is the
24 formal comment period, it would be good for us to
25 really get a clarification of the comment that's being

1 presented and our response doesn't need to be
2 presented here tonight. We'll try to give an answer,
3 but the whole purpose is for the Navy to -- Navy and
4 Marine Corps to review the comments and provide you a
5 response, a complete, thorough responsive comment.

6 MR. HENKIN: I want to amend that a
7 little bit, Richard. We're now in the question period
8 so that people understand what the proposal is.

9 MR. HOSOKAWA: Okay.

10 MR. HENKIN: So I think that in order to
11 have meaningful comments, you need to know what the
12 proposal is. And what Kahu is asking is what's the
13 proposal if you find MEC later under this proposal.
14 So I'd like to hope that we can get answers to those
15 questions and then people will provide more, you know,
16 comment on whether they like it or they don't and
17 understand that the Navy and Marine Corps will respond
18 to that more formally.

19 MR. HOSOKAWA: Okay. Sorry. Thank you.
20 Please ask clarify questioning.

21 MR. KAUHANE: On the other one, if we go
22 back to the same page but the FS evaluation criteria
23 for community acceptance, may please ask that Kamakas
24 be addressed when this is done. When it's being done,
25 may they have a say in it?

1 MR. HENKIN: Of course. So part of the
2 public comment period is so that the Navy and Marine
3 Corps can assess the level of acceptance of the
4 proposal, and so once we're done with the clarifying
5 questions, then I encourage the Kamaka family and the
6 RAB to weigh in as to whether we like or dislike or
7 have concerns about what they're proposing.

8 MR. KAUHANE: Okay, thank you.

9 MR. HENKIN: Any other clarifying
10 questions? Kyle.

11 MR. KAJIHIRO: Kyle Kajihiro. In the
12 earlier proposals at the last meeting in the three
13 zones that you had, how has the level of cleanup in
14 the northern area, is it the same proposed level of
15 cleanup as that previous plan or has it changed in any
16 way between that plan and this one?

17 MR. HIGA: As I recall in the feasibility
18 study, one of the alternatives was a surface clearance
19 of the accessible areas in the northern area, and that
20 is still the case.

21 MR. KAJIHIRO: It's still the same level.

22 MR. HU: Northern.

23 MR. HENKIN: To clarify, I think that one
24 of the options in the feasibility study was to do
25 surface clearance of all accessible areas, which would

1 include a very small area, and I don't know if it's
2 reflected in any of these, but you may recall from
3 past things where there are the blue lines, those are
4 accessible. So in the non -- in the non-target area
5 there's a less than three acres that were deemed to be
6 accessible and therefore theoretically could be at
7 least surface cleared or subsurface cleared and that,
8 in this proposal, would not happen. So this somewhat
9 isolated area would not be surface cleared.

10 As I understand the proposal, all of
11 these areas with the blue lines that are considered to
12 be accessible in the northern target area would be at
13 least surface cleared and then a small subset right
14 around the Kamaka Shrine and the spring would be
15 subsurface cleared, including corridors to get to them
16 so that people can access them freely. Is that fair?

17 CAPTAIN GEORGE: (Nodding head.)

18 MR. HENKIN: What wasn't clear in this
19 presentation, but is set forth in this feasibility
20 study report is that the proposed corridors to get to
21 the shrine and to get to the spring would be eight
22 feet wide and they would have, on either side,
23 six-foot fences. And then when you got to the site,
24 the site would be cleared around but on the perimeter
25 would have, again, six-foot fences. And one of the

1 input that I would hope to get from the Kamaka family
2 and from other cultural practitioners is whether that
3 type of a physical setting, with a relatively narrow
4 access corridor and relatively high fencing, would in
5 any way interfere with cultural practice. I suspect
6 it would. It would distract me. But anyhow, when we
7 get into the comment period I'd like to highlight that
8 aspect of the plan, which is -- you know, that doorway
9 is probably six feet wide, I don't know, so maybe a
10 couple more feet than that and then six foot high on
11 either side fencing.

12 MR. KAUHANE: And the area you're talking
13 about is the 47.3 acres?

14 MR. HENKIN: The area that I'm talking
15 about is --

16 MR. KAUHANE: Yeah, in that area.

17 MR. HENKIN: If we could put that -- the
18 southern area slide, the next one. Okay. So right
19 now we have a fence here on the yellow. That would be
20 moved to the blue and this area that is to the south
21 of that would be deemed cleared, or that's the goal,
22 hopefully they would get in there and that would be
23 unrestricted access.

24 The Kamaka Shrine and the Waikane Spring
25 are within what has been defined as the northern

1 target area, so there would be surface clearance of
2 some slopes that are less than 30 degrees around them,
3 but just surface clearance and so no guarantee that
4 there's nothing subsurface. And so the Marines are
5 proposing that it still be controlled on access more
6 generally around the sites. But the sites themselves
7 and this relatively narrow corridor getting to them,
8 so these lollipops coming up, those would be cleared
9 so that you could freely access them, but with A fence
10 on either side.

11 And as long as we're here, and then Paul,
12 I know you have a question, but I did want to focus on
13 this particular issue. I do have a clarifying
14 question. This darker color around the shrine and the
15 spring is identified on the legend as a -- on this
16 particular legend as a cultural archaeological site.
17 On other maps it's identified as a sensitive
18 archaeological site. The more peach-colored here just
19 says archaeological site; other places it just says
20 archaeological site. So I guess if I could get some
21 clarification from the Marines about which -- why is
22 part of the site considered sensitive and part not
23 sensitive and won't be accessible. What is there?

24 And also, related to that question,
25 before these actual boundaries are determined as to

1 the extent of the area that's cleared, this is
2 actually -- that will be more of a comment, so I'll
3 get into that. What's the difference between those
4 two and why is the proposal only to allow access to
5 this -- what's called the sensitive portion of the
6 site?

7 MS. RASMUSSEN: The sensitive is actually
8 a buffer around the actual archeological site. That's
9 why the sensitive is larger.

10 MR. HENKIN: Actually, the sensitive is
11 smaller. The sensitive is the dark one.

12 MS. RASMUSSEN: I think there's a lot
13 of different people making different maps.

14 MR. HENKIN: I'm just looking at the
15 Marines' maps.

16 MS. RASMUSSEN: I didn't make the maps.
17 I think we have different people making the maps and
18 reading different things into them. The smaller blob
19 on the inside, it doesn't matter what color it is, it
20 is the site. The outer ring around it is the buffer.
21 That was written up in about 2005 to keep -- so that
22 people wouldn't go inside the site. We wanted to make
23 a larger buffer around it. And originally, I believe,
24 the inside part was called "the site" and the outside
25 was "the sensitive area." But then they also

1 wanted -- some people would get confused, and so some
2 people were calling the inside sensitive and the
3 outside the site. But really what it is, the actual
4 site features are the inner ring and the outside ring
5 is the sensitive buffer, just to keep people from
6 getting too close.

7 MR. HENKIN: Okay, thank you.

8 Paul, you had a question?

9 MR. ZWENG: Yeah, I have several
10 questions. One of them is sort of you touched on one
11 of my questions. If you look at the map that's shown
12 on -- it's before slide -- I guess it's page 15, I
13 guess. It's this guy. It's that map there, right.
14 So I just -- what is the difference between the legend
15 that's called an archaeological site versus, in a
16 different color, a cultural archaeological site?
17 What's the definition?

18 MS. RASMUSSEN: There's a --

19 MR. ZWENG: If I go to those two sites,
20 will I see something that's different than if I go to
21 the other color? I'm not talking about the lollipop
22 areas, I'm talking about the things along --

23 MS. RASMUSSEN: So the --

24 THE COURT REPORTER: One at a time,
25 please. Let him finish his question.

1 MS. RASMUSSEN: The orange site on this
2 map is where the taro lo'i were not disturbed and
3 they're still relatively intact. There is another
4 buffer that's not showing up on this map to show where
5 the taro lo'i were disturbed during truck farming.

6 MR. HENKIN: Disturbed during? Sorry.

7 MS. RASMUSSEN: When they did the farming
8 in the '70s for I think it was commercial farming and
9 so you don't have the traditional lo'i showing up in
10 some of those areas in the same way.

11 And then the reason on the outside of the
12 Marine Corps property that's not shown as sensitive in
13 that bright orange, even though it is, it's not -- it
14 doesn't -- it's not within the Marine Corps' property,
15 so we weren't -- the bright orange blobs were
16 originally created to show areas that we definitely
17 wanted to keep the Marines out of for different
18 exercises when they were thinking about using this
19 area for jungle warfare training. So the map --

20 MR. KAUHANE: Thanks for letting the cat
21 out of the bag.

22 MS. RASMUSSEN: This is years ago that
23 they were doing that.

24 MR. ZWENG: So, David, can I continue?
25 So I understand what you're saying, the orange areas

1 are undisturbed areas of lo'i.

2 MS. RASMUSSEN: Correct.

3 MR. ZWENG: And the more peach or lighter
4 color surrounding those, is that then disturbed lo'i
5 areas?

6 MS. RASMUSSEN: They are --

7 MR. ZWENG: If the ones --

8 THE COURT REPORTER: One at a time.

9 MR. HENKIN: For those of you who haven't
10 had the pleasure of being in trial, if you talk at the
11 same time, it ends up on the transcript as
12 unintelligible, which is not any dig at her
13 capabilities, it's just you can't record two people at
14 the same time. So since the purpose here is to get a
15 very accurate record of, Paul, what your question is
16 and, Coral, what your answer is, I encourage people to
17 allow a full second or two seconds in between the end
18 of a question and an answer. Just allow a beat. It's
19 artificial, it doesn't feel like conversation, but
20 it's going to work a lot better. So question.

21 MR. ZWENG: I won't repeat it, did you
22 hear -- did you understand my question, just trying to
23 understand, one is undisturbed. Is the other then
24 partially or completely disturbed, is that another way
25 of rephrasing it?

1 MS. RASMUSSEN: The orange blobs remain
2 the traditional Hawaiian integrity. The brown blobs
3 have been modified and recently used so they are no
4 longer consist with traditional Hawaiian lo'i.
5 They're modern lo'i. There's also a buffer around the
6 whole thing so it's larger on this map than it is in
7 reality. The blob on the upper left side is part of
8 site 1078, it's traditional Hawaiian lo'i within the
9 state's parcel. That retains its integrity, but it
10 wasn't highlighted because it is not within the Marine
11 parcel.

12 MR. ZWENG: Thank you.

13 MR. HENKIN: Perfect.

14 MR. ZWENG: My next question, then,
15 related to that is are we able to review the data that
16 allowed you to come up with those distinctions and
17 draw the lines where you drew them, et cetera?

18 MS. RASMUSSEN: Yes.

19 MR. ZWENG: Thank you. That's good.

20 And then just real -- another quick
21 question, just what is the acreage of the southern
22 area? Approximately?

23 MR. HIGA: The southern area in total is
24 34 acres.

25 MR. ZWENG: 34.

1 MR. KAUHANE: 33.9.

2 MR. HIGA: 33.9 or 34 acres.

3 MR. ZWENG: And then, David, just two
4 more questions, if I may.

5 MR. HENKIN: So according to the
6 feasibility study, southern area is 33.9 acres, of
7 which 30.5 are accessible. So that means a little bit
8 less than three and a half acres were steep slopes
9 that they may not be able to clear. Paul.

10 MR. ZWENG: And then my understanding is
11 that for your map, you -- southern area has the phrase
12 "no explosive risk," and I'm just asking -- that's
13 wonderful to hear. My question is this. I've
14 actually walked not on the Marine ground, but on the
15 adjacent ground to the west, upstream, if you like of
16 the Waikane Stream. There's a lot of hau, and I'm
17 just asking, you know, when your people are doing the
18 work along the southern area, which has the stream,
19 and I, again, haven't walked on that ground, but if
20 it's like the stuff to the west, there's a lot of hau,
21 so did you guys, one, encounter hau, and if you did,
22 were you able to get through the tangled thickets to
23 actually really check to see if it was free and clear?

24 MR. HIGA: Well, I've been through the
25 property and there is quite a bit of vegetation there.

1 I don't recall seeing a lot of hau, but there are
2 contractor -- but we do have -- I don't have the
3 figure tonight, but there was a figure that showed the
4 actual areas that they were -- the paths that they
5 were able to access in the southern area, and we did
6 get a pretty good coverage in that area as far as
7 paths. I'm sorry I don't have that figure available
8 tonight.

9 MR. NORE: During the site inspection and
10 during the remedial investigation, I believe we
11 covered about 11 acres of that total area. The hau
12 was very thick in there, but wherever they can go,
13 they went. And you can review the site inspection and
14 you can review the remedial investigations, they're
15 both in the libraries, in the administrative records.
16 That will give you the full picture.

17 MR. ZWENG: Thank you. Then my final
18 question is on the preferred alternative shown on
19 slide 16, without trying to get the U.S. Marine Corps
20 to commit to any timing, is this plan, should this be
21 the adopted plan, should this plan be the plan that
22 goes forward, should one expect this takes ten years,
23 five years, three years, one year, one month, what's
24 roughly a time frame that we should have in our head
25 to do that plan?

1 MR. HU: He will be presenting the
2 project schedule.

3 MR. HIGA: I'll just look ahead to my
4 slides here. If we do get -- obtain our decision
5 document as planned, the remedial action is scheduled
6 to be completed in 2016.

7 MR. ZWENG: Thank you.

8 MR. HENKIN: Kyle, question or comment?

9 MR. KAJIHIRO: For the Waikane Spring
10 site, I'm assuming that there's a small stream or
11 trickle that comes down and joins with the Waikane
12 Spring, and I'm wondering if the access corridor
13 encompasses that stream or does it, you know, go off
14 in a different direction? Do you know how that's been
15 laid out?

16 MR. NORE: It's meant to follow the
17 stream.

18 MR. KAJIHIRO: To follow the stream.

19 MR. HENKIN: Other clarifying questions
20 before we get into comments?

21 I have a few. So if we could look at --
22 all right, so on this slide, showing the southern
23 area, if you look in the -- I'll just walk up there.

24 MR. HIGA: Would you like to use the
25 pointer?

1 MR. HENKIN: So right here there's a
2 little dot that is just listed as "archaeological
3 site" on this slide, but -- and, Coral, I understand
4 that different people did different things, so that's
5 why I'm asking clarification. On figure 3-1 of the
6 feasibility -- the final feasibility study report,
7 that is listed as a sensitive archaeological site and
8 there's another sensitive archaeological site that
9 appears about there, so to the right of it. And
10 about -- above the word "stream" and what are those?

11 MS. RASMUSSEN: The first blob that you
12 pointed to, that little circle, is a historic jungle
13 kiln. They dug a hole in the ground and they would
14 put kiawe wood in there and burn it to make charcoal.

15 MR. HENKIN: When you say "historic," do
16 you mean what period?

17 MS. RASMUSSEN: We did not do a
18 radiocarbon date of this in particular, but it is
19 consistent with other charcoal kilns dating from about
20 1920 to 1940. It could possibly be later.

21 MR. HENKIN: And then the one that
22 doesn't appear here but appears on the other figure,
23 do you know?

24 MS. RASMUSSEN: I'm not too sure which
25 figure that is, but I think it could be an incorrect

1 old data where the Kamaka Shrine was originally put
2 from on the wrong ridge.

3 That is another charcoal kiln. There's
4 two charcoal kilns up there.

5 MR. HENKIN: And then another question.
6 With respect to the proposal, there's talk about the
7 southern area being cleared hopefully to the level
8 where there would be unrestricted access. Is per the
9 proposal anything about future land ownership or
10 transfer of the parcel out of military ownership,
11 either for the southern area or for the northern area,
12 which would still have land use controls?

13 MR. HU: For the purpose of the
14 restoration program, we are looking to maximize land
15 use, so we're shooting for unrestricted land use.

16 The determination of, you know, land
17 transfer is outside of the restoration program.

18 MR. HENKIN: And then just a procedural
19 question, having reviewed a lot of transcripts over
20 the years, despite best efforts but under difficult
21 circumstances, sometimes the transcript doesn't
22 entirely track what people have said or sometimes
23 people say things and they read it and they said, "I
24 didn't mean to say that." Will there be an
25 opportunity for members of the RAB and members of the

1 public to review this transcript during the comment
2 period for the purpose of seeing whether or not their
3 comments were accurately captured and whether they
4 want to either amend their comments or supplement
5 them?

6 MR. HU: Yes, yes. This will be part of
7 the decision document.

8 MR. HENKIN: But that's not during the
9 comment period.

10 MR. HU: Well, there will be a comment
11 period for the decision document. And that will be
12 detailed further on.

13 MR. HENKIN: I guess what I'm getting to,
14 Randall, is that you're going to be reviewing this
15 transcript in order to make a decision, and so in
16 order to make a decision, based on the public input,
17 it's useful if the public has an opportunity during
18 the comment period to see the transcript, and since
19 it's a 30-day public comment period, even without a
20 super duper expedited transcript, you should be able
21 to get it out in a couple weeks.

22 RICHARD: This is Richard. We're trying
23 our best to answer your clarifying questions to what's
24 most important about this public meeting is the
25 comments that are provided in writing or after the

1 meeting in writing or by email, so if there's any
2 clarification in the comment that's also helpful too.

3 MR. HENKIN: Okay. I just want to
4 suggest that sometimes people feel that if they've
5 expressed themselves in a way that they feel is clear
6 at a meeting like this, that they don't need to then
7 write the same thing down and email it to you and
8 submit it again, and with the pressure of family and
9 other responsibilities, even if they wanted to they
10 might not get around to it. So I guess I'd just like
11 to suggest that the Marines make an effort to put the
12 transcript out so the public could see it before the
13 close of the comment period.

14 UNIDENTIFIED SPEAKER: That is not
15 traditionally done.

16 MR. HENKIN: The Army does it.

17 Okay. We're gliding into comments from
18 questions. Does anyone have any other clarifying
19 questions.

20 Then let's get into comments. Does
21 anyone have any comments on what they like, what they
22 don't like, what they'd like to see changed, what
23 they'd like to see retained? And just be as clear as
24 you can.

25 Kahu. Stand up and project, please.

1 MR. KAUHANE: I'm still two months out of
2 knee surgery.

3 MR. HENKIN: Okay. Sit down and project,
4 please.

5 MR. KAUHANE: On the site history 1943,
6 1953, 1976, I'd like to see those documents posted.
7 And then 1989, the United States government acquired
8 title to 187 acres, I'd like to see that document
9 posted also.

10 MR. HENKIN: Okay. Any other comments?
11 Byron.

12 MR. HO: I think going over what you were
13 talking about, the corridor to the historical site, I
14 would say it's kind of like the feeling of you're
15 going to prison camp or something with the fences so
16 close. So I think the corridor should be widened to
17 an acceptable width. To me it's like if we really
18 think about it, it's like you're going to someplace,
19 you're going to religious and you're going like you're
20 going to a prison camp or something. So I think what
21 Dave's comment was that you're not going to get the
22 comfort feeling of you're going to someplace that is
23 your worship place or your sacred place, you're going
24 to visit prison or something. So I -- my comment is
25 you should consider widening it to a more

1 reasonable -- to get rid of that feeling of being
2 confined.

3 MR. HENKIN: Penny?

4 MS. RAPOZA: That fence line that you
5 have up there, how often is it monitored?

6 CAPTAIN GEORGE: It's monitored
7 occasionally. We don't train there, so we don't have
8 people there on a regular basis.

9 MS. RAPOZA: The reason why I ask is
10 there is a lot of 4X4 people going up there daily,
11 daily. And I had talked with one of the guys that
12 goes up and I guess he checks your fence line, and he
13 always says there's cuts in the line. So people are
14 going in.

15 CAPTAIN GEORGE: Yes.

16 MS. RAPOZA: Now, the younger generation,
17 they see signs, they go in for pleasure. Now, there's
18 a lot of 4X4s go up, like I said, daily, and how --
19 what's going to happen if somebody does go in there,
20 because the fence was cut, and because there's not
21 signs every 10 feet that say keep out, right? So if
22 there's a fence line that is cut and it's cut big
23 enough for trucks to go in, now, if somebody gets hurt
24 in there, what happens? Because right now there is no
25 supervision. You folks don't go up there regularly.

1 As of right now, the main gate to the mountain -- I
2 live on Waikane Valley, so right where the gate to go
3 into the mountain, the gate is always open, always
4 open. 4X4s are up there every single weekend, some
5 nights after a rain. This past week, there has been
6 maybe about ten trucks that went up at about 8:30 at
7 night. By the time I went to sleep, they still didn't
8 come back yet.

9 So we were having a problem with this
10 when they had the gate control where there was locks
11 on the gate. Now, the only people that has access in
12 there is people who has property in there. Everybody
13 else is supposed to stay out. So there are signs, "no
14 trespassing." Now, when the gate was contained,
15 people would go in through the Waikane Valley River,
16 which is on Kam Highway where the Waikane store is.
17 So we would make complaints. We had community members
18 that would go and block the people from coming out
19 onto the road, calling HPD, talking to our
20 representatives, nothing is done. Because when they
21 do put barriers up, the 4X4s just move it so they can
22 get in.

23 So my point, getting -- trying to get to
24 it is, what kind of solutions can the Marines help us
25 in the community to block these 4X4 people going in?

1 The first thing is, is to get main control of that
2 gate. And apparently, from what I hear, is the 4X4
3 people is either cutting the lock or they're breaking
4 the gate just so that it stays open, because the city
5 has a hard time with, I guess, putting out to where
6 they -- I guess they have to put in some kind of thing
7 to get a new lock or whatever and it's just taking too
8 long.

9 In the meantime, that place is being
10 teared up. Our riverbeds are screwed up. So like
11 when there's big rains, who knows if there's
12 landslides that's going -- coming down, going into the
13 river and people are going in and out. That's my
14 concern is people going in without permission and
15 there's nobody to tell them that they can't go in.

16 Thank you.

17 MR. HENKIN: Okay. We're going to go
18 Paul and then Kahu.

19 MR. ZWENG: Just a quick thing, just to
20 add to Penny's comments. On your gate which is shown
21 on that map, the fence, the yellow line, if you go to
22 the west, and you see where it turns up and then it
23 goes north, so at that corner you have a gate 50
24 meters makai, and there's a lock on it, but it's been
25 broken since June or July. And I know I talked to

1 Major Sally Hannan and she was going to communicate
2 that to the Marines. So there's a place where, you
3 know, regardless of whether they have a fence or not,
4 anybody can just -- the gate's wide open. There's a
5 road that goes through there. It's completely
6 unsecured. So.

7 MR. HENKIN: Kahu.

8 MR. KAUHANE: Backing up sister, too,
9 there's supposed to be an ordinance, HPD is supposed
10 to be fining. Any four-wheel vehicle that is found up
11 there is supposed to be confiscated, and there's
12 supposed to do -- I mean, where it goes to court and
13 be fined for that at the same time. So in other
14 words, if that could be enforced or have something to
15 the fact that they start enforcing the trespassing
16 that are there, we would be grateful. Because I don't
17 know if you've ever been up to that road going up,
18 there are very culturally significant plants right now
19 that are found no other place on the island that is
20 there. Okay. And that could be destroyed too. We
21 haven't had a chance to get up there. We got the
22 gate.

23 We talked to the brother that lives right
24 across, even he asked for help, even he was
25 complaining that, hey, too many people going up

1 inside. He was the one trying to stop them with his
2 own tractor, okay. So the people up there are being
3 really terrorized as far as the people going in and
4 out and nothing being enforced, if it's supposed to be
5 a closed off place. People are there. The motor
6 bikes are really tearing up the whole place, too.
7 It's a very cultural, sacred area that we haven't even
8 addressed yet. So I just wanted to say that comment
9 on behalf of sister.

10 MR. HENKIN: Any comments? And I would
11 encourage one specifically about whether the level of
12 cleanup that they're proposing is adequate and you
13 support it, if there are aspects of it that you would
14 like them to consider changing?

15 Kyle?

16 MR. KAJIHIRO: I didn't understand that
17 the proposal to do the accessible areas in the
18 non-target northern area was now dropped from this
19 proposal. So I would like to see that whatever is
20 accessible in the northern areas are at least, you
21 know, done to the surface clearance level.

22 And thank you for including the
23 subsurface response in the southern area. I think
24 that that's a very important aspect of this plan that
25 we can actually potentially open it up.

1 I would concur with Byron's comment that
2 the corridor, getting access to these sites be wider.
3 I'm not sure what sort of psychologically would make
4 sense to feel open, but I think that maybe that could
5 be done in some sort of a consultation to -- I've
6 never seen this area, so I don't know what it actually
7 looks like, but thank you for also including that in
8 the subsurface clearance zone. I think that's also a
9 positive change in this plan.

10 MR. HENKIN: Richard, you have a comment?

11 MR. HOSOKAWA: That was a good comment.
12 And you know as a comment, maybe a suggestion would be
13 appreciated in the -- from the RAB, a suggestion of
14 widths from the RAB or the members so that we can work
15 with something.

16 MR. HENKIN: Okay.

17 MR. NORE: Yes. Or even a comment on
18 what kind of fence would be better than chain link.
19 You know, we understand that it's pretty intrusive on
20 the -- visually.

21 MR. HU: Perhaps a wall with a shorter
22 fence.

23 MS. RAPOZA: Yeah.

24 MR. KAUHANE: What I was going to suggest
25 is that if we have a wooden pole and a rail, that

1 would be -- again, for practitioners, okay, having to
2 go there, if we have hukilau, maybe somebody has a
3 barrel up there, maybe somebody has something to do
4 that's culturally significant to the Hawaiian people
5 and they can't get out to that area. Hawaiians don't
6 lock things up. Kupuna respect for the place that
7 they have when they go there.

8 So culturally that would not -- a
9 six-foot fence would not be sitting right even with
10 the kupunas that are buried there and are at the area.
11 So maybe if it was like a little, you know, two-foot
12 stick coming up and a rail going across and it's like
13 a handrail going down, then it's not closed off,
14 because we're going to be ruining the aspect of
15 enjoying nature as it is by putting the fence there.

16 I understand that it's a secured area,
17 there may be munitions there, but after the cleanup
18 it's supposed to be accessible, according to what I
19 understand. And according to the comment you made at
20 the last meeting, if they can spend 5 million doing
21 this, hello, they put it there, okay. So it should
22 be -- we should be able to walk on the land, even in
23 those areas right there which are very low -- I mean,
24 the impact area right up to where the pond is and
25 where the site is, it's not that heavy, how would you

1 say, munition, according to the map I have in front of
2 me. And as far as the cleanup is concerned, even if
3 from what they had said that was the munitions were
4 fueled with, put it that way, how much was in there,
5 it wasn't supposed to penetrate the ground three, four
6 feet.

7 So it should be very accessible and it
8 should be very clean by the time you folks are done.

9 MR. HU: I just want to add a comment.
10 The height of the fence or the -- I guess the -- it's
11 more for -- to keep people out of the surrounding
12 target area. So that people would be protected from
13 the hazards that are outside of the corridor.

14 MR. KAUHANE: And it's going to come
15 down --

16 MR. HU: No, I'm talking about up to the
17 cultural site, the fence -- that fence is to have
18 people not entering into the surrounding northern area
19 which may still have munitions.

20 MR. KAUHANE: Okay, without --

21 THE COURT REPORTER: You have to speak
22 up. I'm having a hard time.

23 MR. HENKIN: Comment, Paul.

24 MR. ZWENG: I guess I'd throw out a
25 possibility whereby given the sensitive nature of the

1 corridor, and I agree with Byron, you know, having
2 this chain-link fence makes it look like a prison.
3 You know, you might consider a concept whereby you
4 have a lower fence, maybe stone wall, something that's
5 more attractive to the eye, do a little wider cleanup
6 beyond the corridor. I don't know if it's 50 or 100
7 feet, but some distance X, and then where you visibly
8 -- where you can't really see beyond that, you put up
9 your more permanent, sort of keep-people-out-type
10 barrier.

11 So in a sense there almost could be two
12 sets of barriers, where there's sort of an immediate
13 one where people understand, oh, I'm not supposed to
14 go beyond this, but I look at it and it's not this
15 chain-link, you know, prison type of barrier. But
16 there is something that's much more substantial beyond
17 that that's sort of out of sight. So that way both
18 parties in a sense achieve that. So I just throw that
19 out as a suggestion.

20 MR. HENKIN: Kahu.

21 MR. KAUHANE: Saying that, that's
22 assuming this is public lands.

23 MR. ZWENG: I'm not making any
24 assumption.

25 MR. KAUHANE: No, no, no. I'm saying --

1 by you saying put up a fence this tall to keep people
2 out, you're putting into my head this is public lands.
3 This is private lands, okay. Now I just wanted to go
4 there because of how you're saying, well, we'll
5 construct this fence to keep people out. We're
6 talking about private lands here. That's why I asked
7 to see the documents on the acquiring of the lands for
8 the lease.

9 MR. HENKIN: Other comment?

10 Penny.

11 MS. RAPOZA: Well, for me, if you're
12 trying to keep people out to keep them safe, yeah, put
13 'em up high, that's how I feel. Because right now our
14 generation, not my generation but the generation under
15 me, they don't give a rat's behind. All their main
16 concern is to get up there and four-wheel drive.
17 That's how it is. I live there. I talk to the
18 people. They got no respect. We tell them what
19 they're doing up here, they tell me why, it's none of
20 your business, it's not your land we're going on.

21 So the thing is, is that if the military
22 is putting up fence to keep everybody out to keep 'em
23 safe, hey, that's what they gotta do till they clean
24 up. That's how I feel.

25 MR. HENKIN: Other comments?

1 I have a few. So first I would like to
2 recognize and express appreciation to the Marines for
3 the emphasis on clearing surface and, if need be,
4 subsurface in the southern area in order to open up
5 those 30-some acres to unrestricted use, if it's
6 possible to do that, and they keeping that goal in
7 mind. Those low lying areas near the stream
8 historically have been used for agriculture, have been
9 used for cultural practice. You have the water of the
10 stream. And so I really appreciate that the intent
11 here is in these flatter, more accessible areas to
12 actually -- if one day that fence line -- if in 2016
13 that fence line moves mauka on the other side of the
14 stream and that area then becomes accessible and the
15 possibility for dialogue about return of that land to
16 culturally appropriate civilian use, that's wonderful.
17 And I appreciate the effort that's gone into that and
18 I personally strongly support that aspect of the
19 proposal.

20 With respect to the Kamaka Shrine and the
21 spring, I defer to the family, I defer to the cultural
22 practitioners as far as what is appropriate culturally
23 in terms of the alteration of the surrounding
24 landscape and the extent to which having these large
25 barriers to prevent people from going to areas that

1 are not as thoroughly cleared, to the extent that that
2 would cause a cultural harm, a cultural insult. But
3 based on my personal experience in working with
4 various groups, it's very important to keep in mind
5 that it's not only the narrowly defined limits of the
6 cultural site as an archeologist would see it, but
7 it's the culture context in the landscape where the
8 site finds itself that is very important.

9 And with reference to figure 3-1 of the
10 feasibility study report, it's fortunate that we have
11 an opportunity that both sites are located in areas
12 where the slope is less than 30 degrees. And in fact,
13 fairly substantial areas around both of the core sites
14 are that way, which means that it should be feasible
15 to clear a broad swath, rather than a narrow,
16 eight-foot corridor, in order to create this more open
17 feeling, more natural setting and less intrusive on
18 the practice.

19 I like the idea that was suggested of
20 having a couple of tiers, a lower wall, something that
21 is more natural. I still wouldn't personally like
22 something that's only eight feet wide. It doesn't
23 allow much in terms of cultural procession or large
24 groups to access these sites easily. If you look at
25 the size of this room, it's about maybe 40 feet wide,

1 you could get pretty much out of people's immediate
2 consciousness by having a cleared area, subsurface.

3 The intent in this area is not
4 necessarily for any subsurface activity in terms of
5 digging. It's primarily walking to get to the area.
6 So at least the Army's experience in Makua is that as
7 long as the ground is subsurface cleared to a foot or
8 two, unrestricted access can be allowed. And so in
9 previous meetings you looked at subsurface clearing
10 all of the accessible lands within the northern target
11 area. Here we're talking about a very small subset of
12 that, but if clearing that allows for appropriate
13 cultural use to be resumed and this lack of -- it's
14 not just visual blight but it's cultural blight on
15 this land of these very sacred sites, I think it's a
16 good investment and one that frankly the military owes
17 the people of this area, because these decisions need
18 to be made in the context of the promise that was made
19 to the family that the lands would be cleaned and
20 returned, and that should inform what is feasible and
21 what investment is necessary.

22 So we're talking about a subset of the
23 lands being open for use, but we need to make sure
24 that that cultural landscape is not harmed. And I
25 would encourage the family, I would encourage other

1 cultural practitioners to use this comment period to
2 help define how that access can be designed in a way
3 that would not prevent cultural practice from
4 happening in an uninterrupted way. And I would
5 encourage the Marines to invite cultural practitioners
6 to walk the land with the Marine Corps during the time
7 in which you're making your decision so that there may
8 well be -- and I was on the site visit to these sites,
9 and at some point you get to some steep slopes or you
10 get to some drop offs and it might just be visually
11 you're just not going to notice as much where the
12 walls and fencing would be. So I would encourage that
13 strongly.

14 Kyle raised an issue with respect to not
15 only the spring itself but the uninterrupted flow of
16 the water from the spring to the stream. And the
17 answer that I heard was that the intent was that the
18 eight-foot wide corridor would encompass that flow of
19 water. Not being on the site, it's hard for me to
20 visualize how you could both have access and the
21 stream-spring connection within that eight-foot
22 corridor, but in any event, I hope that that landscape
23 is broadened so that that connection between spring
24 and stream is maintained and is accessible for
25 cultural use.

1 With respect to the future, the proposal
2 is to have a maintenance period going forward and I
3 strongly support that. I think the continued
4 involvement of the military in order to make sure that
5 areas that have been opened up remain accessible in
6 the event that munitions or other hazards are
7 encountered is key. But, you know, the question --
8 we're making a decision in 2012 based on technology
9 that's available in 2012, and so I strongly support
10 Byron's suggestion that in the future with respect to
11 the lands that have not been cleared to a level that
12 would allow unrestricted access, if new technologies
13 and new approaches are developed and become feasible,
14 that there be a reopener in the decision document for
15 the military to take on the responsibility of
16 continuing to clear the land to the level feasible and
17 reopening the same type of process that we've been
18 involved in to get community input to make sure that
19 those areas that are essential to the community to be
20 opened up are opened up when it's possible to do that.

21 So overall, I'm very supportive of the
22 plan. To the extent that the goal is to open up
23 areas, I do think that there are modifications that
24 should be made to make sure that not only the narrowly
25 defined sites are clear but that the cultural

1 landscape is freed from the current encumbrance. And
2 also, as I mentioned, in the future a reopener if we
3 can clear more areas of this valley, which, again, I
4 think all of the decisions about the future of the
5 valley need to be taken with the promise that was made
6 to the family in mind, that the land would be cleared
7 and returned. And that's an ongoing obligation, I
8 think, that we, the people of the United States, have
9 to this family and the people of this area.

10 So other comments?

11 MR. HO: There was one thing that Lance
12 mentioned about the education, once the process is
13 done. Is it just when it's completed or is it prior
14 to -- is it going to be ongoing from the start of the
15 cleanup through the, you know, restoring all of that
16 and to the availability of access to it, or is it
17 going to be just when everything is done, the
18 education or the communication to the public? Other
19 than us, right, there's going to be a general, right,
20 communication to the public?

21 MR. HIGA: At this time I don't have a
22 timetable on that. However, we'll take your comment
23 into -- we'll consider your comment and see -- come up
24 with some kind of timetable about when that can be
25 done. I would think we can do that before we even do

1 any work.

2 MR. HO: Okay. And that was based on
3 when the Army Corps had started on theirs, they went
4 into all the public schools they could in the Windward
5 district and talked about not their project, but the
6 MECs in general in terms of where it is throughout the
7 state and the United States. This is not an isolated
8 area. There's thousands of areas. And there's
9 hundreds in Hawaii and thousands in the mainland in a
10 similar situation.

11 So this situation here is only one that's
12 being worked on. There's other areas, but there's
13 other areas that may need the same attention and
14 people don't know about it. And maybe one of these
15 students or whoever it is, they might move someplace
16 else and they might be the champion of cleaning up
17 someplace else.

18 MR. HENKIN: Richard.

19 MR. HOSOKAWA: Byron, good comment. But
20 is there specifics that you recognize that there needs
21 to be some public education with the elementary
22 schools? Because the Army does do a very good job
23 with theirs and we go by the same three R's, the same
24 type of education.

25 MR. HO: Again, I work with the young and

1 also like for us the community association, they did
2 visit. But I believe that the education of the -- the
3 awareness, and I think Kyle -- the more people, the
4 general public knows about what's going on, the more
5 they appreciate what's going on and more they get
6 involved. Over here we have a pretty good turn out,
7 but we always say there should be more people in here
8 talking about this, but, again, this is not, you know,
9 well known.

10 And I think, too, the school education,
11 because everybody knows kids come home from school and
12 they tell you stuff you never heard of, and I didn't
13 know that because they didn't see it in the paper but
14 they learn it at school. That's why my concern is if
15 we do target the younger kids and kids are very
16 intelligent and they influence their parents or
17 grandparents if they come home with this stuff, I
18 think from the bigger picture it gets the program out
19 there and, you know, might make the next one easier
20 for you guys because there's more input. I think
21 things would go better if there's more input, more
22 involvement, but the problem is most people don't even
23 understand what the process is or what their role is
24 in doing the work.

25 MR. HENKIN: Emil.

1 MR. WOLFGRAMM: On this topic I would
2 say, we're dealing with a site that's the core of
3 Hawaiian culture. Waikane sits right in the Kumulipo,
4 so it behooves those of us who are living now to be
5 worthy of the conspiracy of the Hawaiian ancestors.
6 We are just the concurrent face of whomever we come
7 from, but for the Hawaiians, Waikane is the soul.

8 So having said that, may I suggest this,
9 all right, what we doing about -- what we're dealing
10 with here is a spiritual center. That's why -- what
11 Waikane stands for. So my suggestion is that we, at
12 the very beginning, decide to build a sacred space.
13 We're human, but we have the ability to create sacred
14 and unrestricted. In the Hawaiian paradigm, and all
15 the Pacific people, it's tapunoa, that duality, right?
16 We have a Phallic Rock down here called Nanahoa based
17 upon that duality of sacred and secular. That place
18 is related to Waikane. Kanehoalani is right over
19 there. Did you know that down here at the end of this
20 road is where Kane the god was born? Do you know
21 that? That's what we're dealing with.

22 So we're talking about Waikane. And you
23 know that Waiahole is right here and Waikane is right
24 there when you look at the front of this road here,
25 they're all kind of -- all I'm saying is that as we

1 proceed forward on this site in Waikane, we open a
2 sacred space. Why? So we can be human. So we can
3 hear the spirit speak on that space. Then you're
4 going to hear the poetry come out, the poetry that was
5 created by people other than us who are now living.
6 Because we're human, all right? But if we don't do
7 that, if we don't do this, this is what I'm telling
8 you about, being equal to the site, Waikane, we're all
9 plumbers, that's all we are. We're nothing. We're
10 part of eternity, which has no spirit. The poetry is
11 right there inside the land. All we need to do is be
12 brave enough to be human so that the poetry can come
13 forth. So the voice of the land can speak. It's
14 already here, people. The people are here.

15 I am so happy to be here tonight because
16 I got to hear what I heard, and I recognize an
17 institution that possibly has become enlightened. And
18 I just want you to say -- I just want to say that I
19 think we're on the right path and I think we can do
20 our little bit. I look forward to the day when I come
21 here for the next meeting with all my eleven children
22 are over here, because they're all born and raised
23 here in Waiahole. And when my kids' grandchildren
24 come home from college, they're all going to come here
25 because they see themselves as part of the Waiahole

1 spread all over the place, right? Where do you come
2 from? Waiahole. Because the land is not real estate.
3 The land has a story and we need to hear the people
4 speak and the land speak.

5 I just thank you people for doing your
6 part and for our neighbors who take the time to come
7 here. It's been a long time to get to this, to talk,
8 it's been a long trip, but we're on the right path.
9 That's all the comment I have to say. I'm happy.

10 MR. HENKIN: Good to hear.

11 If it's okay with folks, what I'd like to
12 suggest before it gets too late in the evening is to
13 allow Lance to make the presentation on the schedule
14 going forward and to allow us to nail down a date for
15 the follow-up meeting. It has 40 minutes, but I don't
16 see too many slides. So I'm hoping it's short. Is
17 that okay with folks?

18 MR. HIGA: Okay. I just would like to
19 say this will conclude the official recording portion
20 of this public meeting.

21 MS. RAPOZA: Excuse me, I'm sorry, do we
22 have quorum? They just left.

23 MR. HENKIN: For purposes -- we're not
24 taking action, so I think for purposes of information,
25 I think it's okay. But I want to make sure before

1 anyone else leaves that we get to the schedule for the
2 next meeting so we can make sure we have quorum there.

3 MR. HIGA: So this concludes the official
4 recording portion of this meeting. I encourage
5 everyone to go back and look at the proposed plan,
6 look at our feasibility study, maybe let some of this
7 soak in, and if you have any comments submit the email
8 or submit written comments to our -- to Randall here,
9 or use your forms on your proposed plan.

10 (The proceedings adjourned at 8:57 p.m.)
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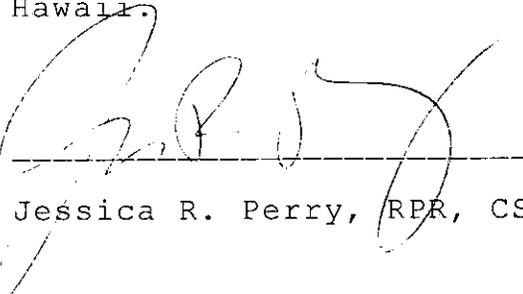
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I, Jessica R. Perry, Certified Shorthand Reporter for the State of Hawaii, hereby certify that the proceedings were taken down by me in machine shorthand and was thereafter reduced to typewritten form under my supervision; that the foregoing represents to the best of my ability, a true and right transcript of the proceedings had in the foregoing matter.

I further certify that I am not attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 1st day of February, 2012, in Honolulu, Hawaii.



Jessica R. Perry, RPR, CSR No. 404