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1 fire training at Makua, which the Army concedes and
2 just logic dictates, has the potential to destroy
3 cultural resources, misfired weapons, that happens,
4 it's training, soldiers trampling, a variety of
5 ways in which archeological resources could be lost
6 forever, that needed to be disclosed as part of the
7 rational analysis of whether Makua is a really good
8 place to do the training the Army would like to
9 carry out there.

10 As far as the subsurface archeology goes,
11 there are a few problems that I've noticed. This
12 study that we've been given to review is only a
13 presence absence survey, in other words, they've
14 dug some pits to determine whether subsurface
15 deposits might be there. When they encountered
16 them, and they did encounter them in areas where
17 they didn't expect to encounter them, they weren't
18 actually characterized, so we don't know what they
19 are, and we don't know how vulnerable they are to
20 training related impacts. That's a problem
21 because, in my mind, from a common sense
22 standpoint, that survey is not complete if you
23 don't know what you've found.

24 They also only looked subsurface where
25 there were no surface features, in other words, if

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1 they came across a surface feature in an area where
2 they were supposed to dig, they wouldn't dig there
3 because they knew there would be something
4 subsurface there. Well, again, the purpose of the
5 survey was to determine and characterize what types
6 of things were there, and nothing in the agreement
7 exempts an area from inquiry where you're
8 particularly likely to find something.

9 I might also note that we're talking
10 about archeological surveys in the core assault
11 course area, so this is an area where they have
12 been training, for, I believe, decades at this
13 point, 1985, I think, is when the CCAAC went in,
14 and prior to that they had been doing a lot of
15 training at Makua for decades before that. It is
16 notable that they continue to find surface
17 features, surface features, not subsurface
18 features, surface features that had not previously
19 been identified. Now, that clearly indicates that
20 there are -- and some of these features, I mean,
21 one of them, this is not a native Hawaiian feature,
22 but nonetheless it's an archeological feature, was
23 a Kiawe fence that was 150 meters long, so, you
24 know, a distance of one-and-a-half football fields
25 long, this is a pretty big thing, so they're still

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If a feature was located, it would have been preserved. The Army's position has been to preserve the sites, not to destroy them by digging them up.

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1 finding things out there, and that raises concerns
 2 about the thoroughness of the surface surveys in
 3 the areas that they claim to have completed, and,
 4 in fact, in the study it notes that we may have
 5 missed some surface features along the way. Well,
 6 again, we're entitled to complete surface
 7 archeological surveys.

8 With respect to the subsurface surveys,
 9 the report says that the plan that they had for the
 10 probes, 350 probes that became another 200 just
 11 along some roads, that that would be inadequate to
 12 provide any meaningful information about subsurface
 13 archeological resources at Makua, well, that's not
 14 acceptable in the context of an agreement where you
 15 have to do a subsurface survey that will provide
 16 meaningful information about subsurface resources
 17 at Makua.

18 There was one area, area two, where 200
 19 probes were dug, and this was an area that they had
 20 not previously surveyed, and of those 200 probes
 21 five of them came up with either surface or
 22 subsurface archeological resources, that's
 23 two-and-a-half percent within that area, it's
 24 extremely high in an area that the Army previously
 25 said they didn't expect to find anything, so we're

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Approximately 500 shovel-test probes were placed within the south firebreak road in the most recent round of subsurface testing (2006/2007). 300 of these probes were placed randomly, and 200 were placed in areas that could be accessed without burning. Several other subsurface tests were completed prior to 2006/2007.

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1 still waiting on a complete characterization of the
2 resources there.

3 Another thing that concerned me is that
4 the study makes clear that the Army would not do a
5 subsurface hit if it found some unexploded ordnance
6 below the surface, they would abandon that
7 particular sampling location, it's on page 7 where
8 they said they'd do that, that's contrary to the
9 settlement agreement that we reached just last
10 month, it said, quote, Defendants will make good
11 faith efforts to clear unexploded ordnance, as
12 necessary, to complete the subsurface archeological
13 surveys within the south fire break road. In other
14 words, if you hit UXO, you're supposed to clear it
15 in order to complete the surveys. And how do we
16 know that they didn't try? Well, it says, If
17 safety concerns arise, the parties are supposed to
18 meet and confer in a good faith attempt to resolve
19 the concerns so we can determine whether there's
20 any clearance that could take place. I'm the
21 person they would have contacted if they had any
22 safety concerns that would have precluded them from
23 carrying out the unexploded ordnance clearance
24 necessary to comply with the agreement, I didn't
25 receive any phone calls, so there was no meeting

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1 conferred as required, consequently, I have to
2 conclude there were no safety concerns that would
3 preclude them from complying with the agreement.

4 There's two problems here, why do I
5 mention all this? I mention all this because we
6 started down this path a long time ago to make sure
7 that there was a thorough examination of the
8 impacts of training at Makua and the alternatives
9 to training at Makua, reasonable alternatives that
10 would allow the Army to train elsewhere, satisfy
11 its goals without impairing the unique cultural and
12 biological resources at Makua, without continuing
13 to impact this already heavily impacted community,
14 and we're not there yet. But Earth Justice working
15 together with Malama Makua, and the other community
16 members, are committed to ensuring that we get a
17 full disclosure of the impacts and a full
18 discussion of the alternatives so that we can all
19 make an informed decision about the best way
20 forward. Mahalo.

21 ANNELE AMARAL: Thank you very much.
22 The last speaker, then, is Dr. Fred Dodge.

23 Dr. Dodge? As Dr. Dodge is getting ready
24 to come up, and don't rush, we're going to replace
25 the tape, Dr. Dodge, so that we're assured you're

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1 not going to be interrupted.

2 DAVID HENKIN: I just have a question
3 slash concern, when this public meeting/hearing was
4 announced, it was announced it would run until
5 6 o'clock, and I'm concerned that there may be
6 people who assume that means they can show up any
7 time between now and 6 o'clock, and particularly,
8 as the Army has experienced, sometimes these
9 meetings actually run late. So when you say he's
10 the last speaker, I hope that if someone shows up
11 between now and 6 o'clock, we'll have an
12 opportunity to hear their comments.

13 ANNELLE AMARAL: So what David has raised
14 is that it was announced that this meeting would go
15 to 6 o'clock, and he's concerned should people be
16 coming after this last speaker will we still be
17 here to take comments. So I'm going to go over and
18 talk to the Colonel, I thought I heard him say we
19 will be here, so let me settle that before the end
20 of this. Thank you.

21 Dr. Dodge.

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23 DR. FRED DODGE: Aloha kakou everyone.
24 Thank you, Annelle, Colonel, and everybody that's
25 here, including our stenographer and our Hawaiian

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1 translator, I don't think I'm going to give you
2 much work on that.

3 First of all, a little bit of background,
4 I also served in the military many, many moons ago,
5 well over 50, I was in Korea, and I have an
6 appreciation for the military that a lot of people
7 may not realize I do, but I do. That appreciation
8 isn't always shared by what our leaders do with our
9 military people, and perhaps I shouldn't go there,
10 but I think it's very important to elect good
11 leaders who aren't afraid to negotiate, who wait to
12 use war as an absolute last resort. I better quit
13 on that note, on that particular subject.

14 I don't know where our other friends
15 went, but I was going to also mention to our
16 friends on the other side, concerned citizens and
17 so on, that I, too, appreciate the fact that
18 there's this give-and-take, that, you know,
19 Albert's reminiscence of the way Makua used to be
20 is really wonderful, he reminds me a great deal of
21 Ivanhoe Naiwi, who was born in Makua, who I got to
22 know and really appreciate during the Ohikilolo
23 struggle where the community got together and was
24 able to save Albert Silva's farm. I also know his
25 family quite well, Adrian Junior, Uncle Jay Landis,

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1 a very dear friend, is another person who, along
2 with Ivanhoe Naiwi, who actually got me involved in
3 Makua, so although I'm not Hawaiian, I wasn't even
4 born in the islands, I came to appreciate that aina
5 tremendously because of these wonderful people. I
6 also had the pleasure of knowing and caring for
7 Albert's mother, Annie, who was a wonderful,
8 wonderful person, lived to be more than 95 years
9 old. And this hasn't got anything to do with it,
10 but I can't help but state that when she was in a
11 nursing home and I was making rounds, I would
12 sometimes bring my kids, so I brought my daughter
13 Summer, who is now in the mid 20s, she was five
14 years old then, Annie Silva was 95, and I was
15 looking at these two human beings, almost a century
16 difference in age, and I got to thinking about
17 life. And as I get older I think more, and I have
18 to agree with my son Vince, and I have wonderful
19 kids, but there really shouldn't be us and them,
20 we're in this together. They eat the same fish
21 that we do, presumably, I'm quite sure, we're all
22 subject to the same influences, and I did want to
23 say that at the outset. Actually, William Aila,
24 Jonathan Deenik, Vince, my son, certainly David,
25 have gone over much of what I wanted to, so I will

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1 save you repetition except that I, too, would like
 2 to know what the status is on Representative
 3 Abercrombie and congress's request for a list of
 4 alternative locations to Makua, and this is
 5 supposed to be done by, I believe, the beginning of
 6 March, certainly sometime in March, and I would
 7 think that that should be included in this EIS.

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8 I'm also concerned about the strykers,
 9 William mentioned them briefly, and we've asked
 10 this in the past, what role does a stryker brigade
 11 or would the stryker brigade play now in Makua,
 12 I've heard different scenarios, but I think this
 13 should be included. I have a map, compliments of
 14 the military, of the archeological sites in Makua,
 15 it's the red, there's a little bit larger picture
 16 in the book that Laurie Lucking brought, and,
 17 again, this is a previous request that I'm
 18 requesting again.

19 As you can see, a great deal of the
 20 valley is archeologically rich, and, as such,
 21 should be declared an archeological district.
 22 Dr. Lucking agreed with me in the past, and I just
 23 wondered, again, where are we in that kind of
 24 request. Now, for those that feel that this might
 25 interfere with military training, at least from my

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A summary of report prepared pursuant to the Fiscal Year 2007 National Defense Authorization Action has been added to Section 2.2 of the EIS.

The EIS considered other alternatives in Section 2.5. The EIS now includes evaluation of an alternative in which training proposed for MMR would be conducted at the Pohakuloa Training Area, island of Hawaii (See Chapter 2 for a description of this alternative). This alternative was added in response to public comments received on the Draft EIS. Use of MMR, however, remains the preferred alternative.

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Like any other unit, the Stryker Brigade Combat Team forces would have access to MMR for training, as discussed in Section 2.2. Those forces would be subject to the constraints and limitations that apply to all units using MMR.

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1 experience in Kahoolawe, which was declared an
2 archeological district, it does not stop military
3 training. It doesn't make sense, but, basically,
4 it doesn't by present laws, to the best of my
5 understanding. So if we can try to get moving on
6 that, at least, I think that would be very
7 appropriate to declare Makua as an archeological
8 district.

9 This is my last show and tell. Now,
10 Malama Makua members, Hui Malama O Makua, you're
11 not supposed to answer this because you guys know,
12 but what is this, where is it? Give you a little
13 information on it, this was taken from Ohikilolo
14 Peak, that's the ridge between Ohikilolo Valley and
15 Makua, and it was taken in 1979, at that time I
16 wasn't involved in this, and I assumed that these
17 were craters filled with water, which they were,
18 but I assumed that they had occurred from military
19 training and use. Does anybody want to -- well,
20 this is the OBOD site, open burn, open detonation
21 site here, this is the south fire break road that
22 runs through it. And the reason I'm showing this,
23 what brought it to mind, what made me look up this
24 thing is that Tetra Tech, for all the criticisms
25 that you heard today and shortcomings of the study,

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1 which does appear to be flawed, but they did find
2 quite a bit of dioxins and furans in their studies,
3 and then they added that these occur often with
4 household burning. Well, as Mr. William Aila can
5 tell you, and he's shaking his head, the OBOD site
6 used to use old diesel fuel, gas, crates, wood, all
7 kinds of things, I don't know how related it is to
8 household burning things but Tripler brought
9 materials to be burned in that area, University of
10 Hawaii, also, and this is documented in the studies
11 that we've been able to ascertain. And I have
12 copies in case anybody wants, so there's a lot of
13 opportunity for the dioxins, et cetera, to be
14 generated in this area and find their way down into
15 the muluwai area.

16 I do want to take this opportunity also
17 to thank the good Colonel over here and our
18 military friends. I know you have tried and, you
19 know, we want you to get a good study, we want you
20 to go back to the drawing board and really do it up
21 right, but thank you very much for this
22 opportunity, and I wish you all aloha and mahalo.

23 ANNELLE AMARAL: Thank you.

24 What we're going to do now is we're going
25 to take a bit of a break, say about 10 minutes, it

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1 gives you an opportunity to sign up now if you want
2 to speak. We also have, as we mentioned earlier, a
3 transcriber in the back room. If you want to give
4 testimony, you know, not here but in private,
5 that's available, so we'll take a break. And as
6 David had questioned, we will remain here until
7 6 o'clock, absolutely, we will remain, the doors
8 will stay open, and we will receive testimony until
9 then.

10 David?

11 DAVID HENKIN: I wanted to make clear to
12 everyone how much I appreciate and I think it would
13 be fair to say Earth Justice clients appreciate the
14 efforts that were made to hold the meeting in this
15 format. We had some dialogue about it following
16 the stryker meeting and very much appreciated, I
17 think it's something that works very well,
18 particularly in this community, I think it works
19 well in most communities, and the efforts that the
20 Army made to accommodate that request are
21 appreciated, and I think it's helped to generate
22 some good comments today, so I want to say mahalo,
23 thanks for the sensitivity to the community's
24 concerns.

25 ANNELLE AMARAL: We'll take a bit of a

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1 break, and you can sign up, get some food, there's
2 still some food and drink.

3 (The proceedings were at recess.)

4 ANNELLE AMARAL: It looks like we're sort
5 of picking up chairs and putting things away, so it
6 probably would be good for us to just sort of close
7 this off formally.

8 I'm wondering, Colonel Killian, do you
9 want to say anything? No.

10 Then let me say something, I want to
11 thank all of you for your conduct today, this was
12 an excellent public hearing, I appreciate the
13 cooperation with which we all worked together, and
14 I was very happy to be able to facilitate this
15 meeting. And before we go, I think it would be
16 good if we could just form a circle, let's do a
17 final closing pule and then we can all go home in
18 safety.

19 (The proceedings concluded at 6:00 p.m.)

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1 CERTIFICATE

2

3 STATE OF HAWAII)
 4 COUNTY OF HONOLULU) ss.

5

6 I, Rita King, RPR, CSR, Court Reporter and
 7 Notary Public, State of Hawaii, do hereby certify
 8 that on Saturday, February 24, 2007, at 2:00 p.m.,
 9 that the proceedings contained herein were taken
 10 down by me in machine shorthand and was thereafter
 11 reduced to computerized transcription under my
 12 supervision; that the foregoing represents, to the
 13 best of my ability, a true and correct copy of the
 14 transcript of proceedings had in the foregoing
 15 matter.

16 I further certify that I am not of counsel
 17 for any of the parties hereto, nor in any way
 18 interested in the outcome of the cause named in
 19 this caption.

20 Dated this 12th day of March 2007.

21

22 _____
 23 RITA KING, RPR, CSR No. 373
 24 Notary Public, State of Hawaii
 25