

Comments

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T6-5| 1 make "heath" into "health"? Mahalo.
 2 FACILITATOR AMARAL: And the last speaker before
 3 the break is Dr. Fred Dodge.
 4 Aloha.
 5 MR. DODGE: Aloha no.
 6 FACILITATOR AMARAL: Aloha.
 7 MR. DODGE: I'm Fred Dodge, a family physician at
 8 the Comprehensive, long involved in Makua issues. I went
 9 to second, third, fourth, fifth, whatever it is, we
 10 request, Colonel Killian -- thank you.
 11 Thank you, Annelle.
 12 -- to please give us more time on this. A hundred
 T7-1| 13 twenty days would be much, much appreciated, or at least
 14 more than 60 days.
 15 I guess I could tell everybody welcome to the
 16 warfare state. And I think that the EIS reflects the fact
 17 that the U.S. is definitely a warfare state. And I have
 18 to agree with Kauai Amsterdam in that this is not the way
 19 to do business in the world. There are better ways to
 20 address our threats.
 21 I notice that -- getting to the EIS, if I can,
 22 there were a number of places that revealed impacts that
 23 could not be mitigated to insignificant impacts. And for
 24 the life of me, I can't find them. But, anyway, I'll go
 25 by memory if I can't find them, but it's in here. Just

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Responses

T7-1
 The Army extended the public review period from 60 days to 75 days. In response to comments, an additional 60 days were provided to the community to review the Draft EIS and associated studies related to marine resources and archaeological surveys, from February 2 to April 3, 2007. The technical experts retained on behalf of Malama Makua were provided 76 days for review of the marine resources study, archaeological study, and Draft EIS.

Comments

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1 give me a little more time here.

2 I notice -- and I will be giving a written report
3 on this at the other meetings, but I noticed that just to
4 go down the list and give an overview of the contaminants
5 in Makua that were found in this EIS. One is RDX. That's
6 Royal Demolition Explosive, been known to be involved in
7 causing cancer and other illnesses. There's increased
8 thallium, a very dangerous chemical. Aluminum, chromium,
9 dioxin, lead. Heptachlor, the pesticide, yeah. Benzene.

10 I think that they did find that there was
11 contamination that went to and into the muliwai and
12 presumably into the ocean, but they felt that the amounts
13 were so small that they didn't want to do further testing.
14 And I say that any amount that goes there, you need to do
15 testing, especially of biological receptors. These are
16 the animals, plants, that are found in our waters, both in
17 the muliwai as well as in the ocean. And if for no other
18 reason, because we know that these contaminants go up the
19 scale of biological organisms so that the smaller ones may
20 survive and have small amounts of these contaminants but
21 as they get eaten by larger organisms, they -- it tends --
22 these contaminants tend to accumulate and become toxic;
23 such as, for instance, mercury in the ahi and aku, which
24 we know is a problem. And there are now restrictions
25 recommended on the amount of this that people should eat,

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Responses

T7-2

Sediments collected from the different muliwai were analyzed for various compounds including metals and explosives. Analytical results did not identify any chemicals of potential ecological concerns since the levels found are low (either non-detected, or barely above detection limits), and infrequent (i.e. only 1 sample out of 54 showed RDX at 0.23 milligrams per kilogram). A detailed discussion of the analytical data collected for the muliwai is included in Appendix G-3 of the Draft EIS. Further testing for contaminants in ecological receptors at the muliwai (e.g., fish and limu) was undertaken in August 2006 and is addressed by the investigation report in Appendix G-8.

Comments

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1 especially children and pregnant women. So I urge you to
2 get this tested.

3 I second William and others that the
4 archaeological sites and potential sites need to be
5 further mapped out, both surface and subsurface. I think
6 this is a major failure of this draft EIS, and we had
7 talked about this at scoping meetings and also with the
8 settlement agreement where the Army promised to make good
9 faith efforts to list all the cultural sites and do
10 subsurface within the South Fire Break Road and surface in
11 the large part of the valley. This has not happened.

12 Also, the proposed trainings -- it's interesting
13 'cause my wife and I were trying to figure out why you had
14 Alternatives 2 and 3, when since -- I think -- I'm not
15 sure whether it was General Hill, Ward, certainly by
16 General Dubik's time, tracers were eliminated. I mean,
17 they just cause a lot of fires. And same thing with the
18 tow missiles and rockets.

19 Why would you put this in when, I suspect, you're
20 going to have problems with fish and wildlife and the
21 other agreements you have that say, yeah, you can train,
22 but you've got to watch out for fires and so on. So we're
23 trying to figure this out, and I just wondered whether
24 you're going to settle for Alternative 1 because 2 and 3
25 are so out of the park, totally. I'll come back to that

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Responses

T7-3

Surface surveys have been completed for the entire area within the south firebreak road except for those areas containing improved conventional munitions. Surface surveys have also been undertaken for the majority of the surface danger zone of the 105mm round. Surface surveys have also been undertaken for the Ukanipo Heiau complex, Koiahi Gulch and almost all of Kahanahaiki Valley. This coverage is reflected in Figures 3-24 and 3-25 in the Draft EIS.

Subsurface testing has been undertaken in Sites 4243, 4244, 4245 and 4246. This testing showed there is a subsurface component to these sites; however, this limited testing resulted in protests from two Native Hawaiians due to the invasive and destructive nature of the testing.

An additional subsurface archaeological survey was conducted in November and December of 2006. The results of this survey have been incorporated into Section 3.10, and the survey report is included as Appendix G-9.

T7-4

The Army has been conducting reduced training. Soldiers will be better prepared for combat if they can use tracers as this enables Soldiers to train as they fight in combat situations.

Comments

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1 in future presentations.
2 I guess in summary, I would want to see you extend
3 the time period that we can review this, or decide, hey,
4 we're going to go back to the drawing board, do the
5 archaeological work you need to do, do the studies that go
6 into the ocean and into the muliwai, and especially doing
7 biological receptors. I think I'll leave that now for my
8 message. Thank you very much, Colonel, and everyone here.
9 Aloha.
10 FACILITATOR AMARAL: Mahalo.
11 A reminder, again, if you want to testify on the
12 record but not here at the podium, a stenographer is
13 provided at the rear of the room to take your testimony.
14 If you want to olelo na kamaka maoli, then Iokepa
15 is here in the front of the room.
16 Iokepa, raise your hand.
17 There he is. Sweet boy. Talk to him and make
18 arrangements for the translation.
19 Bathrooms are here to the rear. Cookies are to
20 the front. Let's take a ten-minute break so we can switch
21 off. Thank you.
22 (A recess was taken from 7:57 p.m. to 8:04 p.m.)
23 FACILITATOR GOMES: It's 8:00, and we have until
24 10:00 to be here, and maybe longer if we have more
25 speakers.

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1 We also want to thank you for keeping within a
 2 time limit and being respectful that others also want to
 3 be able to be heard.

4 So the first speaker is Doreen Redford.

5 MS. REDFORD: Aloha, everyone. Doreen Redford.

T8-1

6 First of all, I want to say that there needs to be
 7 more time for reading and understanding these three phone

T8-2

8 books. And from what I understand of the EIS is that it
 9 has failed to meet the written requirement or agreement,
 10 one of which is the subsurface surveys.

11 There are over a hundred cultural sites in Makua
 12 as well and rare and close to extinct plants and animals,
 13 not to mention that it was a sustainable living
 14 environment for over 800 years, maybe more, cared for by
 15 Hawaiians before the cattle.

16 The land is sacred. No matter whatever happened
 17 to your kapu system, the land is sacred. God or spirit is
 18 in the land and the rocks as well as humans and the plants
 19 and the animals. Even in your Christian book, it says in
 20 the first chapter that we are to be caretakers of this
 21 land. Is that what you think you are doing in Makua?

22 Since the EIS says that there is an impact on what
 23 is left of this fragile ecosystem, per Page No. ES45 of
 24 the Summary, under Environmental Justice; that there will
 25 be significant impacts that will be unmitigated to the

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Responses

T8-1

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T8-2

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T8-3

1 environment; and that under the "no action alternative,"
 2 you state that you would be able to fulfill your trainings
 3 at other installations on the mainland. I suggest that
 4 you take them there because, as everyone else has said
 5 prior, this is the land of Aloha, which means love, not a
 6 place for training to kill.

7 I was wondering if you ever noticed how the
 8 military tells us how they are here to protect us? Yet
 9 everywhere they go, there is destruction. You know, can
 10 we fish at Pearl Harbor?

11 I know this. If you begin something on a lie, and
 12 you just keep lying, eventually the lie will eat you
 13 alive. You destroyed your own self, and that's what I see
 14 happening to America.

15 This land is not meant for any of this destruction
 16 or training to destroy anywhere else, no matter how you
 17 justify it. Your justification just goes to prove that
 18 you have no understanding of the culture or the magic or
 19 the beauty of this place. I hope somewhere, somehow, in
 20 some way, you will be able to find that. Once you do,
 21 you'll never be able to shoot another bullet or train
 22 another man to kill somebody else.

23 This land and its people have existed for well
 24 over a thousand years. In total sustainability, perfect
 25 harmony with the land. But, like the majority of haoles,

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Responses

T8-3

The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process

Comments

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1 you think that, "My way is the only way. My way of seeing
2 or living is the only way to see or live." If it is, then
3 how come we can't feed our whole population from the land
4 and sea that we live on like we used to? It's because
5 it's been polluted or exploited. And now we've got to
6 work for you guys so we can make the money to buy you guys
7 food to bring inside here.

8 Can you hear that? Can you? I know you cannot
9 answer, being the puppet for the big guys. Yet you
10 destroy this land almost beyond recovery, and you want to
11 keep doing it. And I think, in my opinion, by the time
12 our military is finished protecting us, that there will be
13 nothing left to protect.

14 You know, the indigenous people of the mainland,
15 which you guys took some of their land, if not all of it,
16 too, always looked seven generations ahead. The people
17 here, the indigenous folks, thought for generations. The
18 land here was perpetrated by many generations of people
19 looking ahead for their children and their grandchildren.

20 And now in the last 150 years, we're going to
21 destroy it all. And what about our kids' kids? That
22 don't matter because your kids are back over there, yeah.

23 So I'm saying that we need to care for this land
24 and pass it down so that somebody else can be as
25 fascinated as I am by this land four generations from me,

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1 and not just look around and see everything all burnt and
2 polluted, wasted. They can't fish. They cannot grow
3 nothing. They've just got to work for the man, so they
4 can get their food from the mainland, if they are even
5 alive.

6 Ghandi said, "Your work is your prayer." And your
7 guys' work is killing. Your prayer is killing. So I'm
8 asking you to change your prayer and to leave Makua.
9 Thank you.

10 FACILITATOR GOMES: Mahalo, Doreen.

11 The next person is Mike Pettingill followed by
12 Vince Dodge and David Henkin.

13 MR. PETTINGILL: Aloha Kakou. My real name is
14 Mike Keola Makapuu Pettingill. Some of you may recognize
15 that name if you have read the newspapers around Hawaii in
16 previous years.

17 You know, I'm really -- I'm so honored to speak
18 into the same mic that was used by the legendary Frenchy
19 DeSoto. I cannot believe that I'm standing here today.
20 And I also would like to express agreement with Kauwi
21 Anderson and with Fred Dodge and with my immediate
22 predecessor that was so great about "Aloha Aina." And you
23 know, I really -- I'm not going to get into a lot of my
24 feelings because I have some specific things about this
25 EIS that I want to talk to in detail about.

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Responses

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1 This EIS is a piece of scar tissue. If you guys
2 really wanted to help, you wouldn't issue something like
3 this. It would be a plan of how we can help you. And it
4 would be clear. And it would be deliberate and there
5 would be no question. I am an American patriot. I am
6 from a military family. I am a Vietnam era veteran. I am
7 you guys. I know where you live. And you must hear me.

8 In Table 2-3, I want to read these armaments into
9 the record. I feel like this needs to be spoken. Here
10 are the armaments that are going to be used. Rifles, 5.56
11 millimeter and 7.16 millimeter. Pistols, 9 millimeter,
12 .45 caliber, .38 caliber, .32 caliber. Machine guns,
13 5.56 millimeter, 7.62 millimeter, .50 caliber,
14 .40 millimeter. Target practice. Shotguns: 12-gauge
15 shotgun. Hey, that's a riot tool.

16 Helicopter guns, 7.6 millimeter, .50-caliber
17 tracer ammunition, 5.56 millimeter, 7.16 millimeter,
18 .50 caliber. Ammunition, 5.56 millimeter,
19 7.62 millimeter. Short-range training ammunition, SRTA,
20 5.56 millimeter, .30 caliber. Mortars and artillery,
21 60-millimeter HE. That means high explosives. And
22 60-millimeter SRTA. Mortars HE, high explosive. And
23 81 millimeter, TP mortars, 105 millimeter, high-explosive
24 artillery. 120 millimeter, high-explosive mortars,
25 155 millimeter, high-explosive artillery.

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Responses

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1 And this includes -- there's a whole range of
 2 anti-tank weapons, but I'm not going to go through them,
 3 because they are not my issue. The anti-tank weapons are
 4 not going to go out of the area.

5 My issue with you guys and with your commanders
 6 and with your commander in chief is the 155-millimeter
 T9-1 7 high-explosive cannons. This is a gun. Now, you haven't
 8 told us exactly what the model of the gun is, so we don't
 9 know what the range is on this gun.

10 But there are models of this gun that can slove a
 11 shell 30 kilometers. That means that if your guys are off
 12 the mark from Makua Valley, they can hit all of Makaha,
 T9-2 13 Makaha Valley, all of Waianae, all of Waianae Valley,
 14 Mokuleia -- and what's the next town from Mokuleia? --
 15 Waialua. All of that will be in the range of your
 16 artillery, if you're using that model. And we don't know
 17 what model it is because you haven't designated it in this
 T9-1 18 EIS.

19 And, therefore, for that reason, this EIS is not
 20 complete. When it is completed, it will never be approved
 21 in a form that you can do what you are trying to do here,
 22 just like you never in history have been able to do what
 23 you tried to do at this place, Makua. Because it's not

T9-3 24 designed by nature to be used for military purposes. It's
 25 not big enough for what you need. Any idiot can see that.

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Responses

T9-1
 To allow the Army and other military units flexibility in the components they use as part of their training, the EIS does not specify the models of each weapon type to be used. With respect to the inquiry here, the model is XM777.

T9-2
 The danger of an indirect round leaving the valley is minimal with the safety measures currently in place. First, limited firing charges are used to reduce the maximum range of the weapon. Second, Fire Direction Control procedures include computer and hand trajectory calculations, multiple checks on both the gun line and the FDC of data and gun settings by several individuals, and review of historical data to ensure that the gun is aimed in the correct direction and aligned for the change in elevation to preclude rounds from leaving the valley. Third, rounds with the longest range are also the heaviest and are therefore less likely to be affected by wind during the flight time.

T9-3
 As discussed on Page 1-10 of the Draft EIS, the training area at MMR is comparable in size to the Army's standard range design for a facility to support similar types of training activities. Further as discussed in response to Comment [ID 561], the Army employs various safety measures to avoid misfiring of weapon systems.

Comments

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T9-3

1 You can see any military -- any warrior class man,
 2 including both of you, all of your commanders, any
 3 commander in chief who goes down there and looks at that
 4 valley will tell you off the drop of a hat, "We cannot
 5 conduct armed exercises with modern weapons in this area.
 6 It's not big enough."

7 So why is this process still going on? Why is
 8 this mental scar tissue still building. Why doesn't
 9 anybody have the guts to say what everybody on this island
 10 can see in the chain of command?

11 So, you know, I'm an American patriot, and I'm a
 12 warrior class. And part of being a warrior class is.
 13 Having to respect your enemies. I respect you guys. I
 14 was in your shoes. I wasn't an officer, I was enlisted.
 15 But I don't hate you guys for being who you are. I hate
 16 you for not being enough of what you should be.

17 There are rules to war. And for you Hawaiians who
 18 think that there's something wrong with warriors, the
 19 Hawaiians were a warrior people, and the best Hawaiians
 20 were the warriors. They had a warrior class, and the
 21 warrior class ruled, just like the warrior classes have
 22 ruled all societies on this planet throughout recorded
 23 history. That's a fact, and there is no point in
 24 disagreeing with it.

25 I don't disrespect you guys for being who you are,

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1 but I think it's stupid. If one of the shells -- if one
 2 of those 155-millimeter shells bearing 24 pounds of
 3 dynamite and weighing 105 pounds winds up in a skyrise
 4 someplace, it will be very difficult for you or anybody in
 5 your chain of command to get anything done in these
 6 islands ever again. So why the hell don't you stop this
 7 stupid attempt at Makua that can't work? It's not even a
 8 good training ground.

T9-4

9 If you use high explosive modern devices like are
 10 being used in Iraq in that valley, you will incinerate
 11 that valley. You will not train those men because that's
 12 not what they are going to be fighting. They are not
 13 going to be in a little closed-in place like that where
 14 they are going to be trained. And there's a constant
 15 risk, in wartime conditions, that something is going to go
 16 wrong. That's what war is. It is a condition that you
 17 don't know what is going to happen. And what can happen
 18 is one of those shells is going to fly over the hills and
 19 hit the wrong thing.

T9-3

20 Mahalo. I'm sorry I shouted.
 21 FACILITATOR GOMES: Mahalo, Mike. That was a very
 22 dynamic presentation.
 23 I just want to remind people to speak slowly so
 24 that your testimony can get on to the record. Mike was
 25 giving out a lot of information on the artillery, but he

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Responses

T9-4
 Section 4.14 evaluates the potential wildfire effects from the proposed alternatives.

Comments

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1 was speaking so fast that the people who are doing the
 2 recording asked me to remind you to speak a little slower.
 3 So just a little reminder so your testimony can get
 4 recorded.

5 The next person is Vince Dodds followed by David
 6 Henkin.

7 MR. DODGE: Vince Dodge. Aloha kakou. My name is
 8 Vince Kanae Dodge, and I'm a community member of Waianae.
 9 I had a lot of time today to think about what is going on
 10 here. And thank you for having this meeting.

11 I think the first thing is I'm not well prepared
 12 to speak on the EIS. There hasn't been enough time to
 13 study such a large and complicated document.

T10-1

14 And so my first request is that there be more time
 15 to study this document. If we really want to have a
 16 serious dialogue about the contents, then we need more
 17 time.

18 And as I reflect back on how we got to this place,
 19 this community was promised for years and years by the
 20 U.S. Army that they would do some kind of environmental
 21 study about the cumulative effects of over 60 years of
 22 training, of use, of abuse of the valley. And, you know,
 23 we had to sue the Army to get them to keep their word.

24 Over here today -- and we have a document -- I
 25 think, also, we just need to say that, for me, there's no

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Responses

T10-1

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T10-2

1 us and them. You know, it's like we're all in this
 2 together. I'm a taxpayer. I pay you folks. You are my
 3 Army, and I am your citizenry. And I think that if you
 4 look back, if you take the time to look back at what this
 5 community has been saying very consistently for a number
 6 of years is that this valley needs to come back. This
 7 valley is coming back. The Army needs to keep its promise
 8 that it made in 1941 in the original agreement to use the
 9 valley and to return it.

10 That agreement said they would return it within
 11 six months of the end of World War II, and that it would
 12 be clean. That's a long ways. Many years have passed
 13 since the end of World War II. And the cleanup of the
 14 valley has begun, and I think that this is a crucial time
 15 to continue that.

16 The lease now expires in 2029. That's not that
 17 many years away. It's going to come upon us very quickly.
 18 And there's a tremendous amount of work to be done in that
 19 valley to bring it back. And, yes, it can come back.

20 It almost appears that the level of contamination,
 21 from the little research that I was able to do with the
 22 document, said that the valley is not all that
 23 contaminated. That may be a good thing for us. Because
 24 we look at that valley as a source of food, at the ocean
 25 in front of Makua as a source of sustenance and food, an

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Responses

T10-2

The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

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1 important source.

2 So the purpose of this community demanding --
3 having to demand that we have this document, this study,
4 was for us to be able to see the effects of years and
5 years of training, especially in a time where the Army --
6 where there were no environmental considerations. They
7 just did what they did, and that's the way it was. You
8 bombed and destroyed, and you burned, you used, you
9 destroyed. Things are changing. You know, we're in this
10 together. It's changing because the people, the
11 citizenry, is saying it's got to change. It's got to
12 change.

13 So as a citizen, I appreciate that change is being
14 made. I also understand that we have to keep pushing. We
15 cannot stop pushing. It seems like that's the way that
16 change comes about, you know.

17 This document is big. This document is
18 complicated. Is it a document that people in Waianae can
19 read and understand? No, it's not. And I think, in that
20 regard, the document has failed. It's very difficult to
21 understand.

22 You know, again, we're in this together. So you
23 need us to understand this document unless your agenda is
24 that you really don't want us to understand this document
25 because you want to do it is that you want to do in that

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Responses

T10-3

The Army has funded technical experts to provide the community with the support needed to understand the technical issues associated with this project and to provide substantive input into the impact analysis process. In addition, the Army has provided information on the proposed action and alternatives and their effects on the environment in various forms throughout the Draft EIS (executive summary, tables provide concise data on the project and resources, and summary tables that provide brief overviews of the expected impacts).

T10-3

Comments

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1 valley, which would be a corruption of the process.

2 I did have a chance to look at the information
3 regarding the testing of water samples, and I was
4 surprised to notice that the dates of the testing for the
5 wells -- and I believe that this is in Table 319 in the
6 Appendix G2 -- let's see, there were 41 water samples that
7 were taken and tested for a variety of toxins. Thirty of
8 those 41 samples were dated December of 2000, which was
9 before this EIS was started.

T10-4

10 Now, there were a number of new wells drilled in
11 the valley for the very purpose of testing the water and
12 the water table because that has been a serious concern of
13 this community, water. And so for only 11 samples, it
14 appears that only one of those new wells was taken in
15 December of 2003. It seems to me that there is a big gap
16 in information here that -- what happened to the rest of
17 the samples? Why weren't the other wells tested? This is
18 a critical issue for us. We need this information.

T10-5

19 I agree with the speakers before me that talked
20 about the incompleteness of the cultural surveys. And the
21 Army had promised to take make a good-faith effort. I
22 think that, you know, as decent people that we all are, we
23 desire to trust each other. And so the Army said that
24 they would make a good-faith effort to get the necessary
25 waivers to open the back of the valley, which has been off

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Responses

T10-4

Table 3-19 is a table of hydraulic conductivity data. Well data were collected during 2002 to 2003. The Army is not aware of any data collected during 2000. All of the collected sample data are listed in the EIS.

T10-5

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Comments

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1 limits purportedly because ICMs, improved conventional
2 munitions, which are antipersonnel bombs, bombs that were
3 seen in the valley in a certain area.

4 And that process of getting those waivers so that
5 the staff of the EIS, Tetrotech, the archaeologists,
6 community members could go back to the back of the valley,
7 that process never really got off the ground. It has come
8 to our attention that those letters never left this
9 island. That's been over three years. That's not a good
10 faith effort. That is a failure.

11 So there's a huge chunk of the valley, the back of
12 the valley, that has not even been looked at because right
13 now it's been off limits for the personnel that could
14 carry out those tests.

15 You know, hunters have been hunting in Makua
16 forever. And I don't know how recently they've been in
17 there, but I have had friends that have hunted up through
18 2001. In those areas where these ICM bombants were said
19 to have been, they were observed in the hundreds, I think,
20 was what was quoted. And there's never been any
21 accidents. Nobody has seen them. No dogs have been
22 injured. No people have been injured.

23 I was on one of the sweeper crews two summers ago,
24 as part of the unexploded ordinance cleanup. And in the
25 area across from the OBOD site at the base of the center

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T10-6

The Army's waiver request (dated May 5, 2006) was rejected by Army Headquarters on December 21, 2006, as stated in a Deputy Assistant Secretary of the Army memorandum, dated January 10, 2007.

T10-6

Comments

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1 raised in Makua Valley, we came across these ICMS. They
2 were Vietnam era. They were part of a demolition. And
3 they were all in various stages of being destroyed.
4 Perhaps this is what the gentleman, who said he saw the
5 ICMS, had run across in the past.

6 I share this information because it appears that
7 road blocks are thrown up for us to be able to get a clear
8 picture of what is going on in that valley. And, again,
9 you know, as people that live here and are going to be
10 here, have raised our kids here, have our grandchildren
11 here, this is of critical importance.

12 We need to get that information. Otherwise, this
13 EIS has failed us again. And it is incomplete.

14 Thank you very much.

15 FACILITATOR GOMES: The next person is David
16 Henkin of Earthjustice, followed by Ikaika Hussey.

17 MR. HENKIN: Aloha Kakou.

18 My name is David Henkin. I'm an attorney with
19 Earthjustice. And for the last seven years, I've had the
20 pleasure of working with members of the Waianae community,
21 more specifically Malama Makua, my client, in an effort to
22 secure a full disclosure of the environmental impacts of
23 military training at Makua, and an examination of
24 alternate locations where the military might achieve its
25 goals, conduct training that it believes is necessary to

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1 fulfill its mission, without the need of causing further
2 damage to a valley that is full of cultural resources;
3 that within the areas threatened by live fire training and
4 associated military-caused fires are 50 federally listed,
5 endangered and threatened species, some found almost
6 exclusively at Makua. Precious resources that this
7 community has made clear are essential to its sense of
8 being; and that really should be carefully protected and
9 alternatives should be carefully examined.

10 Before I get into some of the specifics on the
11 Environmental Impact Statement draft, and I do want to
12 clarify that the purpose of my being here and the purpose
13 of the various people testifying from the community being
14 here, is to help ensure that the final product, the final
15 EIS, is full, is complete and is adequate, and provides
16 the community with what they have long asked for, and
17 what, by law, they are entitled to.

18 So I hope the Army will take my comments in that
19 context. The hope here is to make for a better final
20 document, so we can get closure, at least, on this chapter
21 of the issue.

22 One thing that I would like to point out to those
23 in the public, particularly those who have concerns about
24 the difficult technical nature of this document, or at
25 least a lot of the parts of the document.

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1 Under the settlement agreement that Malama Makua
 2 entered into with the Army in October of 2001, there is a
 3 Technical Assistance Fund that has been established in
 4 order to secure for the people of the Waianae Coast and
 5 the people of the rest of the state, technical expertise
 6 to help understand a lot of the dense material in this EIS
 7 and help people understand whether their questions about
 8 contamination affects the cultural sites or other issues
 9 have been adequately addressed.

10 I would encourage people to take advantage of that
 11 technical fund. Malama Makua and Earthjustice have
 12 already gathered together a team of experts that are
 13 currently reviewing the document. And if you have
 14 questions that you would like to have them answer, I
 15 encourage you to e-mail me at Dhenkin@Earthjustice.org,
 16 that's D-h-e-n-k-i-n, so I can forward it on to the
 17 expert.

18 In addition, if there are people that you believe
 19 should be retained as technical assistants to help in
 20 understanding the documents, there are additional funds
 21 available to provide for qualified people to give that
 22 service to the community.

23 Now to focus on some specific comments on the
 24 draft EIS.

T11-1| 25 First, I would echo the concerns that have been

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Responses

T11-1
 The Army extended the public review period from 60 days to 75 days. In response to comments, an additional 60 days were provided to the community to review the Draft EIS and associated studies related to marine resources and archaeological surveys, from February 2 to April 3, 2007. The technical experts retained on behalf of Malama Makua were provided 76 days for review of the marine resources study, archaeological study, and Draft EIS.

Comments

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T11-1

1 expressed by the community about the need for additional
 2 time to review this very voluminous document.
 3 It took the Army nearly four years to prepare this
 4 draft from the entry of the October 2001 Settlement
 5 Agreement, and the people are asked to review it in two
 6 months.
 7 As I just mentioned, there are funds available for
 8 technical experts to review this study to make sure that
 9 it's accurate and provide feedback to the Army. Many of
 10 these folks have provided their services at reduced or no
 11 charge to the community. They need more time in order to
 12 review the document, and they asked me to communicate that
 13 to the Army tonight.

T11-2

14 In order to help them prepare their comments and
 15 perform their tasks, on August 4th, I submitted a list of
 16 nine documents that are listed in the Reference section of
 17 the draft Environmental Impact Statement, so the experts
 18 could have some of the underlying documents, rather than
 19 merely looking at the summaries provided in the draft EIS.
 20 That was submitted to Mr. Shirakata, and I have not yet
 21 received the documents. So one month into the public
 22 comment period, the technical assistants don't even yet
 23 have the data that they would need in order to provide
 24 informed commentary on the draft.

T11-3

25 On August 2nd, I submitted a Freedom of

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Responses

T11-2

The requested documents were forwarded on August 24, 2005.

T11-3

The Army responded to Earthjustice's FOIA request on the following dates: September 7, 2005 (correspondence); December 2, 2005 (document production); December 8, 2005 (document production); April 13, 2006 (document production); and May 19, 2006 (written response).

Comments

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1 Information Act request for documents related to the Army
2 stated purpose and need, and its analysis of why places
3 other than Makua would not be adequate to meet that
4 purpose and need.

T11-3

5 Under Army Freedom of Information Act regulations,
6 32CFR, Section 518-62A, I was supposed to receive a
7 response within ten working days of that August 2nd
8 request. We're now over a week late. So one month into
9 the process, I don't have the documents that I need to
10 perform my review.

11 So we respectfully ask for additional time. The
12 120 days that the community is requesting seems to me
13 quite reasonable in terms of the scope of the other
14 documents; and, in fact, a modest request that we hope
15 that you would meet.

T11-1

T11-4

16 The second major point I would like to make is
17 that the Environmental Impact Statement is incomplete.
18 Other speakers have mentioned this, and I would like to
19 emphasize, by citation, some of the specifics in the 2001
20 Settlement Agreement.

21 We entered into a Settlement Agreement with the
22 Army because the community had many questions that have
23 long gone unanswered. And as part of that Settlement
24 Agreement, the Army committed not only to preparing an
25 Environmental Impact Statement, but committed to

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Responses

T11-4

The EIS was prepared in accordance with the National Environmental Policy Act with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate. Sediments collected from the different muliwai were analyzed for various compounds including metals and explosives. Analytical results did not identify any chemicals of potential ecological concerns since the levels found are low (either non-detected, or barely above detection limits), and infrequent (i.e. only 1 sample out of 54 showed RDX at 0.23 milligrams per kilogram). A detailed discussion of the analytical data collected for the muliwai is included in Appendix G-3 of the Draft EIS. Further testing for contaminants in ecological receptors at the muliwai (e.g., fish and limu) was undertaken in August 2006 and is addressed by the investigation report in Appendix G-8.

Surface surveys have been completed for the entire area within the south firebreak road except for those areas containing improved conventional munitions. Surface surveys have also been undertaken for the majority of the surface danger zone of the 105mm round.

Surface surveys have also been undertaken for the Ukanipo Heiau complex, Koiahi Gulch and almost all of Kahanahaiki Valley. This coverage is reflected in Figures 3-24 and 3-25 in the Draft EIS. Subsurface testing has been undertaken in Sites 4243, 4244, 4245 and 4246. This testing showed there is a subsurface component to these sites; however, this limited testing resulted in protests from two Native Hawaiians due to the invasive and destructive nature of the testing.

An additional subsurface archaeological survey was conducted in November and December of 2006. The results of this survey have been incorporated into Section 3.10, and the survey report is included as Appendix G-9.

Comments

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1 performing specific studies to inform its analysis of the
 2 impacts of training at Makua.

3 We did not want to leave to debate over the
 4 adequacy of the document or to the discretion of the Army
 5 whether to perform these studies, so they are included and
 6 spelled out in the Settlement Agreement, which was entered
 7 as a court order.

8 In paragraph 6a of the Settlement Agreement, "The
 9 Army must undertake studies of resources off of Makua
 10 Military Reservation, including the testing of fish, limu
 11 and other marine resources, on which area residents rely
 12 on for sustenance and the testing of the Muliwai for
 13 contamination, if there is evidence that any contamination
 14 is getting off of Makua Reservation outside the boundaries
 15 of the reservation and into these areas."

T11-4

16 I've only heard preliminary responses from our
 17 experts regarding the adequacy of the hydrological,
 18 geological and contamination studies that have been done.
 19 The indication, unfortunately, means that these studies
 20 today have been inadequate to provide any assurance to the
 21 public about the level of contamination that is getting
 22 into the Muliwai, that is getting into the near shore
 23 areas.

24 And these experts, if given adequate time, will
 25 provide full explanations of their concerns and their

Responses

Comments

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T11-4

1 findings. But even these inadequate studies have
 2 confirmed that there is contamination getting off the
 3 reservation; that there has in the past; and that there
 4 will be in the future. And, therefore, the Army under the
 5 Settlement Agreement, must perform these additional
 6 studies as part of the Environmental Impact Statement
 7 process.

T11-5

8 They must provide a 60-day public comment period
 9 on the scope and protocol of these studies. And they must
 10 do all of that as part of the draft EIS because under the
 11 National Environmental Policy Act, having the public be
 12 able to review the document, having the experts be able to
 13 review the document and point out its weaknesses, to give
 14 the Army the opportunity to do what the law requires and
 15 what the Settlement Agreement and court order requires is
 16 a crucial part of the entire process. They cannot go from
 17 this draft to a final EIS without first putting these
 18 studies out for public review and comment.

19 I would encourage you, if you believe that time is
 20 of the essence, to do that sooner rather than later. And
 21 we have written to your attorneys to that effect.

T11-4

22 In paragraph 6c of the Settlement Agreement, the
 23 Army committed to completing surface and subsurface
 24 archaeological surveys of all areas within the company
 25 combined arms training area, circumscribed by the

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Responses

T11-5

Consistent with the settlement agreements between Malama Makua and the Army, the Army has made both the study protocols and the study reports available for public review and comment for a minimum of 60 days. The Army recently made the marine resources survey report and subsurface archaeological survey report, as well as the Draft EIS, available for public review from February 2 to April 3, 2007. The technical experts retained on behalf of Malama Makua were provided 76 days for review of these documents. The results of these studies have been incorporated into the EIS.

Comments

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Responses

T11-4 1 Southfire Break Road, and surface archaeological surveys
 2 of all surface danger zone areas, as shown in Figure 2-2
 3 of the Supplemental Environmental Assessment.
 4 You have not done this. If you look at
 5 Figure 3-24 of your draft EIS, it identifies the area at
 6 Makua that the Army claims have been surveyed for
 7 archaeological resources. Initially, I would note that
 8 this is misleading because those areas have not been
 T11-6 9 subjected to thorough and complete surveys. At most,
 10 these areas have had surface archaeological surveys, but
 11 the Settlement Agreement and court order calls for
 12 examination of subsurface archaeological resources, such
 13 as Imu and others. This has not been done.
 14 In addition, there are vast areas that have not
 15 been surveyed at all, again, even though the Army
 T11-4 16 committed, in October of 2001, to conduct these studies
 17 and to get them out to the public as part of the EIS
 18 process. They have to be done.
 19 And as Vince Dodge mentioned, part of the
 20 commitment that the Army made was that the areas that are
 21 suspected of containing improved conventional munitions,
 T11-7 22 the Army, in this case the 25th Infantry Division, would
 23 make good-faith efforts to secure a waiver from the
 24 Department of the Army to allow them to conduct the
 25 archaeological surveys.

T11-6
 Please see the response to Comment T1-4.

T11-7
 The Army's waiver request (dated May 5, 2006) was rejected by Army Headquarters on December 21, 2006, as stated in a Deputy Assistant Secretary of the Army memorandum, dated January 10, 2007.

Comments

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T11-7 1 We question, as a matter of law, whether a waiver
2 is needed. But we don't need to resolve that legal issue
3 to know that the Army has not acted in good faith.
4 Because even though it signed the agreement in October of
5 2001, and even though that agreement contemplated that the
6 EIS would be completed by October of 2004, the Army did
7 not even put together a waiver request until May of 2004,
8 less than six months before it was supposed to be done
9 with the EIS. So for two-and-a-half years, it did
10 nothing.

11 Then, that waiver request never made it past the
12 U.S. Army of the Pacific because the U.S. Army Pacific
13 determined that it was sufficient, and I believe, in March
14 of this year, returned it back to the 25th Infantry
15 Division.

16 So it's never actually been formally submitted to
17 the Pentagon, as the Army admitted that it would in
18 October of 2001. And to the best of my knowledge, even
19 though they got it back in March of 2005, they still have
20 not revised it and submitted it. So there has been
21 absolutely no effort to secure a waiver to allow you to
22 carry out archaeological surveys in the ICM area.

T11-8 23 The EIS is incomplete. It needs to be
24 supplemented with the additional contamination and
25 archaeological studies, and put back out for public

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Responses

T11-8
The findings from the marine resources study and the subsurface archaeological study have been incorporated into the EIS. The EIS was prepared in accordance with the National Environmental Policy Act with applicable federal and Army regulations. Review of the Draft EIS by the US Environmental Protection Agency found the document to be adequate.

Comments

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T11-8

1 comment, as a revised draft Environmental Impact
2 Statement.

3 Now, I'm going on to the body of the text. And,
4 actually, I would like to -- I apologize. (Brief
5 interruption re: tape change)

6 I believe it's important -- I believe it's an
7 important part of the process to put it on the record and
8 to present orally these concerns. But I also recognize
9 that it's, you know, going to be late for people. And I
10 have no problem with stopping and letting other people
11 speak, and then picking up for anyone that wants to hear
12 me later on.

13 The first issue that I want to address has to go
14 to the purpose and need for the proposed action. And the
15 proposed action here is training at Makua. The purpose or
16 the need, as identified in the EIS, is to allow for the
17 25th Infantry Division, and other military units, to
18 maintain the combat readiness of those units.

19 The response that the Army has to that need is
20 limited to an examination of what I would define as
21 alternative one, which is training at Makua; alternative
T11-9 22 two, which is yet more training at Makua; and alternative
23 three, which is yet even more training at Makua.

24 And I would respectfully submit that is not the
25 universe of reasonable alternatives that is available to

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Responses

T11-9

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.

Comments

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T11-9| 1 the Army to accomplish what it perceives its needs are.
 2 The Army, unlike its sister federal agencies, is
 3 rarely starved for funds. It usually gets what it asks
 4 for. And we have seen an example of that with the recent
 5 decision to proceed with Striker transformation, to the
 6 tune of one-and-a-half billion dollars here in Hawaii.
 7 There are many more alternatives that are available to the
 8 Army to accomplish its purpose and need.

9 But, first, I want to focus on the underlying
 10 premise of the EIS, which is that Makua is necessary in
 11 order to allow the military to maintain its combat
 12 readiness. Please bear in mind that the Army wants to
 13 conduct up to 242 days of training per year, and up to 50
 14 company-level wild fire exercises, far more than it has
 15 ever done in the past, with no showing that any training
 16 at Makua is needed at all.

17 The Army, apparently, thinks that if it says often
 18 enough that training at Makua is vital, the public will
 T11-10| 19 eventually buy their argument. But facts speak louder
 20 than rhetoric. And the facts prove that training at
 21 Makua, especially at the levels the Army proposes, is not
 22 needed now and never has been.

23 Through the previous litigation -- I'm sorry.
 24 How's my time on your tape?

25 FACILITATOR GOMES: Five minutes.

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Responses

T11-10
 Training requirements are constantly changing based on lessons learned in combat, training events, new equipment, and new commanders. Convoy live-fire training, for example, has become an essential component in training units based on the experiences in Iraq and Afghanistan. Using historical data to assess future needs is faulty logic. Times of war, such as now, drastically change training requirements. Combat readiness, moreover, is an assessment based on a Commander's experience and training, and therefore is a matter of discretion.

Training requirements are constantly changing based on lessons learned in combat, training events, new equipment, and new commanders. Using historical data to assess future needs is faulty logic. Times of war, such as now, drastically change training requirements. While units have been assessed in the past as ready for combat without conducting live-fire training exercises at MMR, the Army was forced to undertake training work-arounds to include training at locations outside of the state of Hawaii. These work-arounds were both time consuming and costly. Additionally, the lack of home-based live-fire training capability has an impact on Soldier morale as more time is spent away from family, which is not quantifiable in Unit Status Reports.

Comments

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Responses

1 MR. HENKIN: Thank you.

2 Through the previous litigation, we have secured
3 from the Army records of their past training at Makua.
4 And, remember, the proposal is 242 training days a year.

5 In 1988, they trained at Makua 142 days. In 1989,
6 they trained at Makua 105 days. I want to clarify that.
7 When I say, "they," I mean the U.S. Army and every other
8 military branch, including, in 1988, the Girca Army. So
9 this is all military training, whether U.S. non-U.S., Army
10 or other. 1989, 105 days. And this is with no litigation
11 restrictions; this is them doing what they want to do.
12 1994, 173 days. 1991, 136 days. 1992, 122 days. 1993,
13 180 days. 1994, 143 days. 1995, 126 days. 1996, the
14 high water mark of military training, 213 days. Still 30
15 days shy of what they're shooting for now. 1997, 152
16 days. 1998, 81 days.

17 During that time, we trained for the first Gulf
18 War in a variety of other military actions. At the
19 beginning of that period, we were still engaged in the
20 Cold War. This is the time when the military trained as
21 much as it wanted to, and never did it train the number of
22 days that it now says it needs to train at Makua.

23 I will be submitting with my written comments this
24 document, which is Tab No. 45, in the binder having to do
25 with training from the last round of the Makua litigation.

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T11-10

Comments

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1 I'll pause.

2 FACILITATOR GOMES: We're just going to take a
3 break right now and we'll come back.

4 MR. HENKIN: I want to emphasize the reason that
5 I'm going through this in such detail is that there is a
6 lot of rhetoric that the Army uses about the need for
7 training at Makua. It is a drum beat in our heads. And I
8 think it's important for those, regardless of where they
9 stand on the issue, to know what the history is and what
10 the facts are, and then draw your own conclusions about
11 whether there is a need for training in Makua.

12 I gave you the training totals up through 1998.
13 In September 1998, the marines were training at Makua, I
14 might add, one of few times that they trained at Makua.
15 The Army now would like them to do nine company level
16 exercises per year at Makua, at a minimum. I don't
17 believe they ever have in the past. But they were
18 training in September of 1998, when a rogue 60-millimeter
19 mortar round hit Sea Ridge, which for those of you who
20 know the valleys, it's between Makua Valley and Kahana Iki
21 Valley, and setting it ablaze, causing an 800-acre fire
22 that burned within feet of known populations of endangered
23 plants. And I emphasize known populations because during
24 the following years, when there was no training, the Army
25 biologists finally were allowed into the valley, and they

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1 found populations of endangered plants that they did not
2 know were there. In fact, they found four species of
3 endangered plants that they did not know were present at
4 Makua Valley.

5 So in September of 1998, the Army, under pressure
6 from Earthjustice and Malama Makua stopped training for
7 three years. From September of 1998 until October of
8 2001, for three years, not a single soldier trained at
9 Makua. And even though Makua was closed for training --
10 and you may recall that the Army rotates its soldiers
11 through Hawaii about once every two years. So if the
12 training area is closed for three years, that means not a
13 single soldier stationed here trained there. Even though
14 Makua was closed for training, every unit in the 25th
15 Infantry Division reported that it was ready to perform
16 its mission.

17 Earthjustice has the Unit Readiness Reports in its
18 files to prove it. Now, ordinarily these files are
19 shredded. These files, the Unit Readiness Reports, go
20 into the Division Readiness Reports, which are
21 confidential, top secret, which go into the Army Readiness
22 Reports, which then goes to Congress.

23 The reason that we got copies of these is we were
24 in litigation. And at the time we made our request for
25 documents having to do with readiness, these documents

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1 were in existence. But because ordinarily they are
2 shredded so quickly, they never get classified. They are
3 not around long enough to be classified.

4 So we have all the readiness reports from Spring
5 through Fall of 2001. And this is important because these
6 are not ordinarily seen by the public. So this is not
7 "spin." This is the Army's internal evaluation, for
8 purposes of the Pentagon and Congress, of, really, how
9 readiness ready its troops were at the time.

T11-11

10 Now, you may recall, because this was around the
11 time, in July of 2001, Judge Mollway of the U.S. District
12 Court, issued an injunction in a former litigation that we
13 had going on then, against training at Makua. And all of
14 the 25th Infantry brass were saying how readiness was
15 eroding because of the lack of availability of Makua.

16 There are a lot of these. I'm only going to quote
17 portions of a few to give you a flavor.

18 "15 August 2001. Memorandum for Commander 25th
19 Infantry Division Light. Subject: Commanders Assessment
20 Letter." This is for the Headquarters Division Artillery.
21 Quote, "The Division Artillery remains ready to deploy,
22 fight and win." Signed by Colonel Rodney Anderson, for
23 those of you that remember him.

24 "16 August 2001." This is the report from the
25 First Battalion, 14th Infantry Regiment, Second Brigade.

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Responses

T11-11
Please see response to Comment T11-10.

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T11-11

1 "The First Battalion, 14th Infantry Golden Dragons are
 2 prepared to deploy, fight and win.
 3 "15 August 2001." This is for the First
 4 Battalion, 27th Infantry. "First Battalion 27th Infantry
 5 is trained and ready to accomplish its wartime mission.
 6 "15 August 2001." This is for the First
 7 Battalion, 21st Infantry. That's the Gimlets. "121
 8 Infantry remains combat ready."
 9 There will be a stack of these submitted with my
 10 written testimony. But what I want people to appreciate
 11 is that after three years of no training at Makua, every
 12 single unit said that they were ready to perform their
 13 mission. And, in fact, some of biggest complaints they
 14 had were about problems with the adequacy of their
 15 weapons, the material, maintenance, problems with
 16 recruiting, filling their ranks. But the lack of training
 17 in Makua did not affect the 25th Infantry's readiness.

T11-12

18 In October 2001, we entered into a Settlement
 19 Agreement, that I have already referenced, with the
 20 military. And as part of that Settlement Agreement, in
 21 return for the Army's promise to do a comprehensive
 22 Environmental Impact Statement, including archaeological
 23 and contamination studies, that they have so far failed to
 24 do, we agreed that for the three years that the study was
 25 supposed to take, until October of 2004, the military

T11-12
 Please see response to Comment T11-10.

Comments

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Responses

1 could perform a total of 37 company-level live fire
2 exercises at Makua.

3 While the Army was allowed to perform these 37
4 live fire exercises, it only used 26 of them, even though
5 during this time it was preparing to deploy to Iraq and
6 Afghanistan. You have to ask yourself, if Makua is so
7 vital, why didn't the Army use all of the training
8 exercises it was allowed?

9 Now, they may say, in the third year of the
10 agreement, their brigades were deployed to Iraq and
11 Afghanistan. That's true. However, the agreement broke
12 down, year by year, how many exercises they could perform.

13 In the first year, from October of 2001 until
14 October of 2002, they were allowed 16 live fire exercises.
15 Remember, not a soldier had fired a shot there in three
16 years. They only used 13 of those. That left three on
17 the table.

18 From October of 2002 until October of 2003, before
19 they deployed to Iraq and Afghanistan, while they were
20 training, they were allowed to do nine live fire
21 exercises. They only did eight.

22 In the last year of the agreement, they were
23 allowed a total of 12 live fire exercises, and they used
24 five.

25 For the Army's part, they used them almost all for

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T11-12

T11-12

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1 convoy live fire exercises, and even though there were
 2 units, other military units on island, including the
 3 Marines, I believe there was only one CALFAX that was
 4 performed in the entire year, even though they were
 5 allowed 12, so they didn't use them for seven.

6 Those are the facts.

7 Now, why did they not do more live fire at Makua?

8 One of the answers why they didn't need to do training at
 9 Makua, if you look on Military at Tab 31 of the training
 10 binder, you will see a presentation that G-3 put on for
 11 User Pack in 12 April 2001. And the people in the office
 12 hate when I use that military jargon, but there you go.
 13 It was a presentation, a slide presentation, about
 14 combined arms live fire exercise. And at page 16, there's
 15 a sheet that says, "Working Company Halifax
 16 Opportunities," in other words, other than Makua, where
 17 could we train?

T11-13

18 In fiscal year 2002, they identified a total of 20
 19 live fire exercises they could perform elsewhere,
 20 including at the Joint Readiness Training Center, the
 21 National Training Center, Thailand, Japan, Alaska and
 22 Australia. In fiscal year 2003, there were 26 CALFAX
 23 opportunities available, other than Makua. In fiscal year
 24 '04, there were 21. In fiscal year '05, there were 29.

25 Perhaps that explains why they have not suffered

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T11-13
 Please see response to Comment T11-10.

Comments

Responses

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T11-13

1 any -- I didn't hear any reports of a lack of readiness
 2 when they deployed to Iraq and Afghanistan. I heard that
 3 they were well trained, and they did a wonderful job.

4 Since October of 2004, under the Settlement
 5 Agreement, the Army said, "We will get this done in three
 6 years."

7 We said, "What happens if you don't?"

8 So the settlement agreement provides that, if they
 9 do not finish, not a draft, but a final EIS, by October 4,
 10 2004, they could not train at Makua until they were done.

T11-14

11 That gives them an incentive actually to finish. And
 12 because of the fire risk at Makua in the summer, I believe
 13 the last fire exercise at Makua was in April or May of
 14 2004, somewhere in that period of time, maybe as late as
 15 June. I'm sorry. I don't recall right now. But in any
 16 event, there has been no training at Makua for more than a
 17 year now.

18 And if Makua is so vital, then how is the Army
 19 getting along without Makua for so long.

20 I'll pause here. I thank you for your attention.
 21 I would like to come back up assuming that there is time.
 22 Aloha.

23 FACILITATOR GOMES: Mahalo.

24 The next person is Ikaika Hussey, followed by
 25 Dr. Marian Kelly.

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T11-14

Please see response to Comment T11-10.

Comments

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1 MR. HUSSEY: Aloha. (Speaking Hawaiian.)
2 It was nice over there with the stars.
3 And what's happened since then (Speaking
4 Hawaiian). There's one thing that hasn't changed since
5 1893, and that is the assumption of our sovereignty of the
6 United States. The illegal occupation of Hawaii, that
7 hasn't changed at all since 1893. It's been codified.
8 Now we show up at EIS hearings. We don't want to be here.
9 We would rather be at home with our families. But we know
10 that you've got to play by the rules. They set rules, and
11 so we have to play.
12 But some of the things have changed. The guns
13 pointing at the palace in 1893 have multiplied. They have
14 flourished. And now they take whole valleys. They don't
15 even ask. They sign executive orders. The President
16 often defies acts of his own constitution to acquire land
17 in foreign countries without a hesitation. There might be
18 some bickering within the halls of Congress. Democrats
19 and Republicans might not get along, but it's just like
20 the Tories and the Whigs, it's the same thing as in 2005.
21 People in Washington, D.C., get to make decisions
22 for people in Honolulu, Waianae, people in Kailua, people
23 Pohakuloa, people in Maile.
24 But what I know for certain is that, just like all
25 of the blazing fires in Waianae in the past few weeks, I

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Responses

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Responses

1 know that the fire still burns in our house; and that for
2 112 years, it's not extinguished. It's the same fire that
3 has burned in us for 2000 years, and it cannot be
4 extinguished.

5 No matter how many times they call us to come to
6 the EIS hearings, and they lock us in with these pala
7 politics, and make us play these bureaucratic games. They
8 make us think that all that matters is within the scope of
9 the report, within the bounds of this 8-and-a-half by 11
10 piece of paper. It says the need for Makua military
11 reservation is because it's the best one they have. It's
12 the best local live fire training area. That's cute.

13 We know more. We know that the reason why the
14 United States wants Makua is not because it's the best
15 training area, but it's because of the U.S. imperial
16 ambition. They use us, use our country, peaceful people,
17 with, yes, a warrior class. But we didn't have nuclear
18 weapons. That's an important distinction.

19 It's because the United States is a very young
20 country. It's very young. Someday it will learn its
21 lesson, the way the Romans did, the hard way, the way
22 other empires have. They always go down the hard way.

23 I believe in our people because I know that what
24 drives us is not a desire to take what is not ours. It's
25 not a desire to have and have and have what we want but

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Comments

Responses

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1 don't need. We want survival. We have want Ola. We want
2 just what is enough for our families. We want what is
3 enough for the next seven generations and seven more after
4 that.

5 I want some time for my great great great great
6 grandchildren's friends to be able to play and go swimming
7 in Puuloa in the harbor there at Waimomi, to someday be
8 able to fish there again. And we will struggle until that
9 happens.

10 But the difference -- and by the way -- this is
11 kind of cute -- two minutes more -- Mahalo. No offense to
12 you, but we have been waiting for a year for the EIS, so
13 I'll take my two minutes and maybe a few minutes more if I
14 need to.

15 We don't want -- we're not greedy people. In the
16 Kalanapua, it references two kinds of people who are
17 delegates who come with a message. The first kind is the
18 people who have alulu and pakaha. And those two words
19 mean, "greed." And that's the way that our kupuna
20 understood the people with the Treaty of Annexation, which
21 still has not been signed. It's in a PDF file somewhere.
22 I think it's probably in the Akaka Bill 2005.

23 But, you know, we don't have that. There may be a
24 few people that I know or that I met. But most of the
25 people I know are the people in this room. We're not here

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Comments

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1 because we want to take America, we just want our own
2 homeland, Aina. Aina is not something that you sell, it's
3 not something that you even own. It's something that you
4 farm on and you support your family with.

5 I hope that in a few years' time, sooner, if
6 possible, that the United States of America will learn
7 what we have learned after 2,000 years of subsisting, of
8 surviving here, that there is an asymptote to your growth,
9 there is a limit to your power. Mahalo nui.

10 Just a quick note. There's a blue flyer that is
11 passed around. There's a moratorium that was signed by a
12 number of individuals participating in the Native Hawaiian
13 Coalition process, and also other people, too, calling for
14 a moratorium on military expansion. This is one of those
15 things that we're calling a moratorium on. No further use
16 of Makua. Enough is enough. Mahalo.

17 FACILITATOR GOMES: We have eight more speakers
18 registered to speak, and we have to be out of here at
19 10:00. Now, because we're running out of time, we're
20 going to set a limit. And I'll remind the speakers when
21 it's time for us to wind up.

22 Thank you so much.

23 This speaker is Dr. Marian Kelly.

24 DR. KELLY: My name is Marian Kelly. In 1976, I
25 worked for Bishop Museum. Back in 1976, I did the study

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Responses

T12-1

The Army thanks you for your comment and appreciates your participation in this public review process. Your comment has been considered and has been included as part of the administrative record for this process.

T12-1