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U.S. ARMY GARRISON
HAWAI'I PUBLIC MEETING
DRAFT SUPPLEMENTAL MARINE RESOURCES STUDY
SAMPLING AND ANALYSIS PLAN

ORIGINAL

PUBLIC MEETING

Nanakuli High and Intermediate School
89-890 Nanakuli Avenue
Nanakuli, Hawaii 96792

February 20, 2013
7:00 p.m.

Recorded and Transcribed by:

SUE M. FLINT, RPR, CSR 274
Notary Public, State of Hawaii

P U B L I C M E E T I N G

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3 MS. CHANG: Aloha. My name is Dawn Chang.
4 I'm going to facilitate tonight's meeting. If you
5 are here for the United States Army Garrison Draft
6 Supplemental Marine Resources Study Sampling and
7 Analysis Plan, their public meeting, then you are at
8 the right place. If you came for something else,
9 sorry; you might be at the wrong place. But if
10 you're here for the marine sampling study, mahalo
11 for being here. And with that, I'd like to turn it
12 over to Colonel Whitney.

13 Let me first ask Kupuna Silva, could you
14 open us with a pule?

15 (Opening Pule.)

16 COLONEL WHITNEY: Aloha. Mahalo for
17 coming. I'm not sure where I was in my little
18 speech here before I was ordered to be on the mic.
19 That's fine.

20 I really want to thank everybody for their
21 participation. We really want to go out and figure
22 out what is our issue here. We want your input as
23 you've provided us with on outstanding problems and
24 outstanding issues. We truly appreciate that. As we
25 go into this process -- some of you have heard me

1 before, so I'll go over some of the same stories.

2 As individuals, you know, culture defines
3 us. I had a similar culture as the Hawaiian people
4 did. My family came to the republican Texas in
5 1835. That's back when Texas was its own country,
6 then joined the union. So yeah, there's some
7 similarities there, so I understand; my great-
8 grandfather and my great-great grandparents and all
9 the stories that have been handed down through all
10 of us that are here today -- me being here and my
11 brothers and sisters are in Texas.

12 I bring that up because I find it very
13 important to connect with you folks at the cultural
14 level. It's not just a legal precedence, not just,
15 you know, what our position is, what your position
16 is. It's really about how do we find common ground?
17 How do we explain our challenges, just as everybody
18 has challenges here, as you look to the fiscal
19 situation of our country right now? How do we
20 leverage what's out there and working with Hawaiian
21 folks? How we go down the path together is
22 critical. We're going to have to collaborate.
23 We're going to have to cooperate, and sometimes
24 we're going to compromise, you know, on both sides.

25 But from my perspective, I've had the

1 opportunity to work throughout the globe in the
2 special operations forces, from Africa to Waiawa
3 Valley, in Peru, El Salvador, Colombia, as well as
4 Iraq and Afghanistan. Generally, I'm in a very
5 small unit among the local population. For that to
6 work, you have to understand the local population,
7 as well as you have to gain trust in the local
8 population. It's critical for the long-term
9 solutions.

10 Now my problem is -- really the U.S.
11 Army's problem is how do we train, equip a ready
12 force that we can apply to our unique challenges in
13 the world. Looking at some of the fiscal
14 discussions out there, we have a need for that
15 capability. It could be disaster relief,
16 humanitarian assistance, all the way down to, God
17 forbid, combat. So understand our challenge is,
18 really -- just to let you know up front, we are
19 charged to provide trained and ready forces in
20 Hawaii and coupled with some of these fiscal
21 discussions we're talking about. How do we do that?
22 How do we do it smart? How do we do it in a manner
23 in which it is not costly, but at the same time is
24 true to the Hawaiian culture, as well as any
25 concerns you may have here?

1 So once again, I can't thank you enough
2 for participation in this meeting, most importantly
3 the ongoing efforts we have, to include we're going
4 to use local fishermen to secure the limu and the
5 other things we're looking at out there in the
6 ocean, because we think it's critical. You know
7 best -- you know better than someone who might come
8 in from the State, for instance, and harvest all
9 this limu and some of this other sea life you see
10 behind us on the boards. So that's our intent, is
11 to be transparent, be a partner.

12 At the same time, I'm charged with -- and
13 those in leadership in Hawaii are charged with
14 taking care of our nation's security, and
15 unfortunately, if you look around the globe and you
16 look at whatever news channel you choose to watch,
17 this is probably the most volatile security
18 situation from a global perspective we've seen in
19 quite some time, North Korea and some of the other
20 stuff that's going on around the globe. That
21 doesn't excuse us from our culpability to protect
22 the homeland, protect Hawaii, protect human life,
23 and all those sorts of things that are in our
24 charge.

25 So once again, I look forward to working

1 with all of you in the future and I look for a great
2 meeting here. Mahalo.

3 MS. CHANG: Thank you, Colonel. With
4 that, I don't know if the project team -- if you
5 want to be introduced -- that's actually going to be
6 working on this. Okay. Maybe we'll just go
7 straight into the public comments.

8 What I'd like to do is -- obviously, this
9 is a very important meeting. All of you have taken
10 the time to be here, so if you don't mind -- we've
11 got a court reporter, Sue, who is at the front.
12 She's going to take all of your comments and record
13 them. So if you wouldn't mind, if you would come up
14 to the front so that she can see you, if you'd state
15 your name for the record, and she'll take that down
16 and then you can just provide your public comment.

17 MR. RODRIGUES: Will she be able to
18 include the Hawaiian words or it's going to be put
19 in as inaudible?

20 MS. CHANG: No. We're actually going to
21 have -- we're going to take the Hawaiian -- if
22 someone testifies or submits their comments in
23 Hawaiian, we're going to have a translator that
24 actually translates it in Hawaiian. We did not
25 bring a translator here tonight. I apologize. That

1 was sort of my recommendation, because I've been at
2 other meetings where we've had someone. If they're
3 testifying in Hawaiian, that's a statement, rather
4 than having someone translate. That's kind of an
5 awkward position.

6 So we will take -- she will record your
7 statements and we will have a translator
8 transcribing it, the Hawaiian into the English,
9 which will be part of the record.

10 MR. RODRIGUES: That's on top of the
11 written?

12 MS. CHANG: On top of the written, yes.
13 And if you have a written statement, please provide
14 that, as well, for the record. You can provide
15 comments up until March 22nd. This is an
16 opportunity to provide your oral statements tonight
17 -- it will be transcribed -- or you can also submit
18 your written statements if you want.

19 So with that, I know when people signed up
20 they indicated whether they wanted to provide a
21 statement or not. So I'm going to go through the
22 list of those who signed up and ask the person who
23 wants to make comments to come up front and then
24 I'll also state who the next person is, just so that
25 you know you'll be next.

1 The first one we've got is JR.

2 Yes, Kaanohi?

3 MS. KALEIKINI: Wait, wait.

4 MS. CHANG: Question?

5 MS. KALEIKINI: Anyway, who'll be doing --

6 MS. CHANG: The transcription?

7 MS. KALEIKINI: No. The analysis. Are
8 they here, and if they are, could they introduce
9 themselves?

10 MS. MANSKER: For those who don't know me,
11 my name is Michelle Mansker, and I'm the chief of
12 the compliance branch, so I will kind of be managing
13 the overall project. I won't be actually doing the
14 research.

15 And Steve, if you can introduce
16 yourself --

17 MR. TURNBULL: Yeah. My name is Steve
18 Turnbull. I'm working as a contractor for DPW
19 Environmental and I'll be also involved with the
20 project, but more from a logistic point of view.

21 Daniel Harrelson, who is next to me, also
22 the research scientist, will be helping to manage
23 it.

24 And then Eric DeCarlo, from the University
25 of Hawaii, right over here, he's really going to

1 lead the field team that's going to be doing most of
2 the field work, hiring the fishermen, local
3 fishermen, coordinating that piece.

4 And then we also have a University of
5 Hawaii or another contractor are going to submit the
6 samples -- will submit the samples from the
7 University of Hawaii to different laboratories.
8 Unfortunately, all of the laboratories are on the
9 mainland, because there's really no Hawaii lab to do
10 this kind of analysis, so we ship the samples to the
11 mainland.

12 MS. MANSKER: Within the sampling analysis
13 is a pretty in-depth description of what each of the
14 people that just introduced themselves are going to
15 be doing.

16 MS. CHANG: Okay. So with that, this is
17 really your opportunity to provide your comments on
18 the proposed plan. And unfortunately, it's not
19 going to be a question and answer. But when we do
20 the public comment, if you can come up, if you've
21 got a question it will be noted in your comments,
22 but there won't be someone that will be providing a
23 response at this time. But your comments will be
24 considered as we proceed on the study.

25 So the first person I have is JR. After

1 JR, I have Ke Kai. Do you want to provide comments?
2 Okay. And then after Ke Kai, I have David Henkin.

3 Ke Kai?

4 MR. WILLIAMS: My name is JR Keoneakapu
5 Williams. I live in Waianae. I'm also a cultural
6 practitioner. I go to Makua Beach maybe four or
7 five days a week.

8 I just have a question on the collecting
9 of the limu. There are certain ways to gather limu.
10 I want to know who you guys are going to be using to
11 collect the limu. I may suggest a local fishermen
12 or maybe a local cultural practitioner to go out
13 there to grab the limu. Because you can't just yank
14 'em right off. You gotta actually cut it. Just an
15 easy suggestion.

16 MS. CHANG: Mahalo. Ke Kai?

17 And after Ke Kai is David, and after David
18 I only have -- those are the only three that have
19 actually indicated that they wanted to provide a
20 public comment. After David, if there's anybody,
21 please let me know and raise your hand and you'll be
22 able to come back up.

23 MR. KA'OPIO: Aloha. My name is Ke
24 Kaimalino Ka'opio. I live in Waianae also and I'm
25 -- I guess you would consider a practitioner, but I

1 wouldn't call myself a practitioner. I like to be
2 with the land and the surroundings and stuff like
3 that.

4 But I do have some questions on how long
5 the study is going to be for, and by collecting the
6 limu, because there is different seasons and
7 sometimes it does get covered over with sand and you
8 cannot get samples, and if other things is going to
9 be considered, like the night squid.

10 There is a night squid and day he'e that
11 live there, and who's going to be catching these
12 things? You know, because that is taking the food
13 that is actually food for people that use it, and if
14 it's going to be like, you know, preserved or like
15 thrown into bottles and jars and stuff like that and
16 chopped up, I would have a concern with that.

17 Also, with the impact of different
18 ordnances, if it affects the limu growth, the other
19 things -- we do have some things with us that we'd
20 like to show you that we've collected from the
21 beach, and this is stuff that washes up on the
22 beach. It's actually in the sand. It's on the
23 limu. It's in the coral. It's ordnances that have
24 blown up -- I don't know when, but we have bags of
25 it. And there is children that play there on the

1 beach. We would like to show it to you. It's
2 pretty -- a lot of it does have like firing things
3 on it. And we would like to see if it does affect
4 the limu and the fish around there.

5 We recently moved to Waianae and, you
6 know, I try to see all the different things. We've
7 been there for almost three seasons and we've
8 watched the limu come and go and the sand recede and
9 then the rocks get exposed. So there is different
10 cycles that go through, and if you're taking that
11 into consideration, that information.

12 That's all I have. Mahalo.

13 MS. CHANG: Mahalo, Ke Kai.

14 I have David. -- since there's only three
15 people, we're not limiting testimony, the length of
16 time. So come on up. But, you know, we're just
17 asking you to exercise reasonableness.

18 Is there anybody else after David that
19 would like to provide comment? Okay.

20 MR. HENKIN: Aloha. My name is David
21 Henkin, H-e-n-k-i-n. I'm an attorney with
22 EarthJustice, and since 1998, I've represented
23 Malama Makua with respect to trying to get a handle
24 on the environmental impacts of past and proposed
25 future military training at Makua Military

1 Reservation.

2 And one of the things that has been just a
3 real enduring concern in this community is a desire
4 to know whether the food that families put on the
5 table for the children and to sustain themselves,
6 whether it's safe. It's not any news to anyone that
7 families on the Waianae coast, many of them rely on
8 the resources from the sea in order to be an
9 important part of their diet. And, you know,
10 underlying some of the issues that have come up over
11 the years in litigation, where we've had a pretty
12 firm conviction that military training at Makua is
13 causing damage, whether endangered species or
14 cultural sites or what have you, with respect to
15 marine resources it really is a sincere desire to
16 know what's currently, we believe, unknown, which is
17 what is the extent of the contamination.

18 And frankly, Colonel, if the results of
19 the scientifically-valid study were that everything
20 is safe to eat, that would be the best news that the
21 Army could give to this community. The reason we've
22 been pursuing this information and questioning some
23 of the past studies is not out of a desire to be
24 litigious, but it's really out of a desire to know.
25 Because at the end of the day, when you're handing

1 something to a kid, you just want to make sure that
2 it's going to be safe.

3 So we had some concerns about some of the
4 past studies and there's an opportunity here with
5 respect to the limu study and what's called
6 awkwardly in the settlement agreement other marine
7 resources -- so in this case, mainly he'e and loli
8 -- this is an opportunity to get it right and we
9 encourage the Army to do that. As long as you're
10 spending the time and spending the resources in
11 doing it, might as well get it right. And then that
12 way if we have confidence in that study, we can just
13 collectively move on.

14 I was concerned -- before the meeting I
15 had an opportunity to talk with Dr. DeCarlo, who I
16 understand is going to be -- both from reading this
17 and from what was said tonight -- is going to be
18 instrumental in helping the study be carried out.
19 And I asked him, Have you read the comments that
20 we've been submitting over the years from, not --
21 we've submitted comments from experts that we
22 retained with technical assistance funds that we
23 received through the settlement so that we could get
24 that scientific input. And my understanding is that
25 he has not yet had an opportunity to see and review

1 those comments that we've made over the years. And
2 I think that's unfortunate, because if he and the
3 others working on this sampling plan had seen them,
4 we could have avoided some of the mistakes that I'm
5 going to be talking about. We'll submit them again
6 with our written comments and we will get written
7 comments in. But Army, you have them and I'd
8 encourage you to share them with Dr. DeCarlo and
9 others.

10 The first thing that really jumps out when
11 you read the sampling plan is how many question
12 marks there are about what it is that's actually
13 going to be sampled, which species of limu, where
14 they're going to be sampled, which reference site,
15 whether it's going to be Sandy Beach or Nanakuli or
16 on the north shore or some other location. And, you
17 know, at this stage of the game -- at this stage
18 here, before you come out with a sampling analysis
19 plan, you should have done the pre-survey
20 investigation to find out what resources are
21 available in adequate numbers and quantities in
22 order to do the testing. So when you do the
23 sampling analysis plan, it should say, We already
24 know what's out there. It's not meant to be kind of
25 a black box.

1 So it's very difficult -- it's going to be
2 difficult for the experts that we're retaining to
3 review this to really say whether what you're
4 proposing to do is going to be good, bad or
5 indifferent because you haven't told us what it is
6 you're going to collect and where you're going to
7 collect it.

8 So what you have done, and we appreciate
9 it, is that you've gone out and done a much more
10 thorough survey of the local community. We provided
11 some information in the litigation and you then went
12 out and ground-truthed that, and when you look at
13 table four, which is the list of potential targets
14 that you're going to be sampling for, there's a huge
15 overlap between what we were saying folks gather out
16 there and what you've concluded folks gather out
17 there, and that's a good thing. So now we're
18 starting from a similar perspective in terms of what
19 we're going to be looking at.

20 But I was disappointed to see that you
21 haven't actually gone out to Makua or the various
22 places that you're looking at as possible references
23 to see if the things are there. And so it's hard to
24 comment on the study, because we don't know what it
25 is you're actually going to gather. We're also

1 concerned that, once again, the Army appears to want
2 to do comparisons between Makua, which, other than
3 the military activities that have been there since
4 basically Pearl Harbor, is a rather isolated portion
5 of Oahu, without any urbanization, without any
6 industrial or polluting activities. It's basically
7 fairly remote. Then you want to compare that with
8 Nanakuli, where we are right now, which is a
9 watershed. It is heavily urbanized and has a lot of
10 human-caused contaminants getting into the near
11 shore waters. That's really not comparing like with
12 like.

13 In fact, when you used Nanakuli muliwai as
14 a comparison on an earlier round of these studies,
15 you actually found that for many types of
16 contaminants, the muliwai at Nanakuli had much
17 higher levels of contamination than the muliwai at
18 Makua. So unless you believe that the military
19 activities clean the environment below the levels of
20 contamination you find in the absence of military
21 activities, you know you're picking a bad reference
22 site. You're picking one that has external
23 contaminants that you would not ordinarily find at
24 Makua.

25 Same thing with Sandy Beach. Sandy Beach

1 has a wastewater treatment facility that discharges
2 very near where you were sampling. Makua does not.

3 So we've been urging in the past, and
4 we'll continue to do it, that the Army look for
5 reference sites that don't have other anthropogenic
6 inputs of contaminants that would not be at Makua in
7 the absence of military activities.

8 You've got to find something relatively
9 pristine. I'm not saying pristine pristine. I'm
10 sure there are some contaminants that are carried
11 from other areas to Makua. But in terms of things
12 generated at Makua, there's not that type of
13 activity other than the military, which is what
14 we're trying to figure out what you all have done in
15 the past and what you might do in the future.

16 So you're now proposing the north shore,
17 basically from Kaena Point out to Mokuleia. That
18 might be a good location. I don't know, because I'm
19 not a scientist.

20 But what you all should have done is done
21 current studies. And Dr. Rensel gave extensive
22 comments the last several rounds and will be doing
23 it again. There are ways, EPA standards that one
24 applies in order to figure out a good reference
25 site, and that should be documented in your sampling

1 and analysis plan so that when we have experts look
2 at what are going to be used as references, they can
3 do peer review. They can say, Oh, this is a
4 substantiated selection or it's not, and we can be
5 getting meaningful feedback. But it's kind of a
6 black box. So we would encourage you to do that due
7 diligence and to do it in a transparent way, again
8 so the public can have confidence in what you've
9 done in terms of selection of background.

10 The other thing we don't know -- it's the
11 wintertime. We know how active the north shore is
12 in terms of water, the waves. We don't know if the
13 types of limu that you're going to want to gather,
14 the types of he'e -- I mean, I just don't know,
15 because you haven't done the background studies, if
16 they're actually present so you can gather them here
17 or there. So it really may not be a good location.
18 I can tell you Sandy Beach or Nanakuli are not.

19 We've also encouraged you that there may
20 be very similar, geologically and in terms of being
21 a leeward coast, on neighbor islands that are more
22 pristine where you would find similar species if you
23 did the pre-surveys. You should be looking at those
24 things.

25 The reason it's really important that you

1 do these pre-surveys to find out if your target
2 species are located -- are going to be found in
3 adequate numbers at both Makua and the background
4 study is because in order to compare apples with
5 apples, you need to compare the same type of limu
6 that you gather at Makua, let's say limu kohu with
7 limu kohu gathered at the reference site. Because
8 different plants take up contaminants in different
9 ways. Different animals take up contaminants. So
10 if you gather a day octopus at Makua, it needs to be
11 compared with a day octopus from your reference
12 site. You can't compare a night octopus with a day
13 octopus.

14 This gentleman shared with me when we were
15 looking at pictures together, well, the night
16 octopus is not in the near shore waters during the
17 day. It stays outside; in other words, further from
18 the sources of contamination, and it comes in at
19 night. Now, whether ultimately that leads to more
20 or less contaminant loading, a good survey should
21 show, because it may be that because of its dietary
22 preferences or the -- I believe it's diel or diel
23 cycles where different plankton come in at nighttime
24 and daytime. I hope I'm getting this right. But
25 Dr. DeCarlo will tell you all about it, and it's in

1 Dr. Rensel's comments.

2 There can be differences in terms of what
3 biota are in the near shore waters day and night.
4 And the differences may mean that the night octopus
5 is more contaminated than the day octopus. I don't
6 know. That's why we need the study. But in order
7 to have reliable results, you need to be getting the
8 same species in both locations, and you need to be
9 able to make sure that you can get the background,
10 because the Federal Court --

11 One of the reasons we're doing another
12 round of study is that you gathered some limu, you
13 didn't know what it was, it was kind of mystery
14 limu, you knew people didn't eat it, but you thought
15 it would stand in for the limu that people did eat.
16 The court said no, it can't, and the court also said
17 that you didn't gather any reference sites, so we
18 don't know how the levels of arsenic and other
19 contaminants you found compare.

20 So for your sake and ours, we really need
21 to have these types of preliminary studies, and not
22 that I'm asking for, you know, any reason other than
23 to make it a good study; that should be put out to
24 the public so that we can comment on that. Because
25 this, again, doesn't tell us what you're going to

1 sample and where you're going to sample it, because
2 you just haven't done the homework yet.

3 I intend to go on at great length. I'm
4 happy to pause and let someone else -- I'd like to
5 come back if there's more time.

6 MS. CHANG: Would you mind?

7 MR. HENKIN: I don't mind at all.

8 MS. CHANG: Perfect. The next gentleman
9 -- is there someone else who would like to speak
10 after this gentleman?

11 MR. DODGE: Aloha mai kakou. I'm Vince
12 Kanae Dodge, resident Waianae coast, fisherman, had
13 my own boat between 1980 and 1991, fishing mostly on
14 this coastline and extensively Makua, Kaena Point
15 area, mostly night fishing, hooking a lot of opelu
16 and akule and bottom fishing and trolling and
17 everything in between. Raised my children down
18 here. I have four granddaughters at this time. I'm
19 very, very blessed.

20 I just want to thank everybody that came
21 up before me. I really appreciate the comments and
22 the mana'o. So, you know, I'm really glad we're at
23 this point.

24 Colonel, it's been a long haul. We
25 started this actually in 1998, and in 2001 we had an

1 agreement, and again, we agreed because we really
2 need to know whether it's safe or not. We frequent
3 Makua Beach. We camp on Makua Beach usually every
4 Christmas and New Year's and often during the
5 summer. In the past, families lived at the beach
6 all summer long, Makua, Nanakuli, Maili, all over
7 the coast. That was the style, really good way.
8 And, you know, fishing off the beach all the time.
9 So it's important that we have a good study.

10 And I'll tell you honestly, frankly, I was
11 very, very disgusted with your last attempt at your
12 marine survey. I came today and I asked Peter right
13 off the bat, Are your contractors, the people that
14 are going to carry the study, are they going to be
15 able to go in the water this time? Because last
16 time, for some reason, they were not able to go in
17 the water, they were not able to dive. And as he
18 said, that was very embarrassing for them. That's a
19 tremendous waste of money and time.

20 I appreciate that, on behalf of my family,
21 that you have the desire that we build trust. We
22 also have that desire. And honestly, honestly, we
23 don't trust the Army, because you haven't
24 demonstrated that trust.

25 Yeah, it's a really hard place, I have to

1 tell you. You know, my dad's a veteran. I have
2 good friends who have been and are in the Army right
3 now. For me, it's not an us and them situation.
4 We're all in this together, and I know that you face
5 challenges because you're in command for so many
6 years and then you're gone and then the next guy
7 comes, the next person comes, so it's hard to have
8 continuity, but it would be good for all of us if
9 things was transparent as possible and we can work
10 it out as much as possible.

11 I'm happy to hear that you have local
12 fishermen that will be doing a gathering, because I
13 think that will probably ensure that things will get
14 gathered. And it seems like you're aware that there
15 are seasons different creatures in the ocean are
16 available, different limu and whatnot at different
17 times of the year. So it's very important to see
18 that.

19 I thank David for his comments about the
20 reference sites. I think that is really important,
21 and yeah, we did comment, I think, extensively about
22 that in the past, so we hope that you would review
23 those comments and maybe consider, you know, west
24 end of Molokai or some other reference place that is
25 much more like Makua and definitely not tainted.

1 I would not suggest the north shore. You
2 know, Waialua, the whole Waialua ahupua'a watershed,
3 there's a lot of runoff and there's been a lot of
4 contamination in the days of sugar cane, and now
5 there's contamination with the amount of poisoning
6 that the GMO farms are using. So there's going to
7 be contaminants in that water and a lot turbidity
8 and whatnot in that water, so I wouldn't recommend
9 that.

10 It's great, too, to have a meeting like
11 this, because I did used to torch fish when I was
12 younger, many decades ago, and I never thought about
13 -- I never -- it totally skipped my mind that, you
14 know, you have the day he'e and you have the night
15 he'e. You have the night squid. I thought, Wow,
16 when is the last time I saw a night squid? Probably
17 from my kolohe days, you know, and from shore,
18 probably it was in the '70s, you know, so I think
19 it's -- I appreciate that, you know, somebody else
20 has that experience and brings that to the table,
21 because they are different creatures. They look
22 different, they're slightly different color and
23 different shape, and they are in the water at
24 different times of the day and night. So I don't
25 know if the plan is -- you consider the plan would

1 be to sample night he'e and day he'e or whether
2 each, but we definitely need to make it consistent.

3 I don't know how many of you are aware
4 that another major flaw of the past marine survey
5 was that the limu that was chosen, some of it wasn't
6 even identified. Again, that's pretty embarrassing,
7 number one. Number two, then we were told that it
8 was the ma'amau, it was the common habit or process
9 of folks that gather in the ocean to just go down
10 and pick up whatever was on the shore. I think some
11 of us found that very insulting. You know, you
12 don't just go to the grocery store and, you know,
13 the first thing in the door you pick up and put in
14 your cart. You go with a list. You know, you're
15 shopping. You know what you want. If you're a good
16 fisherman, you know where it is, you know generally
17 when it's there. Yes, if something else shows up in
18 the meantime, mahalo ke akua, you receive that. But
19 good fishermen, they know the difference. So just
20 to give a little bit of background there, yeah --

21 This seems like it's an improvement and we
22 hope that we'll continue to move in that way. Thank
23 you very much. Mahalo.

24 MS. CHANG: Mahalo. Would anybody like to
25 provide comment?

1 MR. HAMER: Hi, everyone. My name is Dean
2 Hamer. I live up in Konalau (phonetic), on the
3 north shore, and I've been fortunate to live in
4 Hawaii only for the last year. But before that, for
5 40 years, I was in Washington D.C., at the National
6 Institutes of Health, and I was a research scientist
7 and a laboratory leader for a big lab that studied
8 the effects of trace metal elements on human health
9 and human biology, so I'm very much related to this
10 because we were looking at elements like cadmium,
11 arsenic and the other elements that are being looked
12 at in this study.

13 And I have to say I don't have extensive
14 knowledge of the details of this study, as that
15 hasn't been presented, but from what I can tell that
16 has been presented, the study is really
17 scientifically just inadequate, and the reason for
18 that is that in any study like this you don't want
19 to just know is there arsenic; you want to know how
20 much arsenic is there and how certain are you that
21 it's there or that it's not there. That's the key
22 point. Because if you look at anything, you're
23 going to find arsenic if you look hard enough. And
24 if you don't look carefully enough, you will never
25 find arsenic anyplace.

1 So in any study like this, you've got to
2 have some way to know really how much we're looking
3 for and how certain you can be. So to do that, you
4 need a couple of things. First of all, you need to
5 know just out in the ocean in other places how much
6 arsenic is there and how variable is that. So you
7 have to have your background samples already
8 determined. If you don't, you can't do a decent
9 study. If arsenic ranges from one to two parts per
10 million and you find ten parts per million, then
11 you'll know that you've found something really bad,
12 something is wrong going on there. But if it ranges
13 from one part per million to a hundred parts per
14 million, you'll have no idea what your results mean.
15 So you have to have some background studies already
16 in hand, and as you just heard, that's not the case
17 here.

18 The second point is it makes a huge
19 difference how much sampling you do. If you just go
20 out swimming once and pick one seaweed, you might
21 find something or you might not. But there's got to
22 be a lot of sampling done, and it has to be noted
23 how much sampling there's going to be done. And
24 lastly, there has to be some longitudinal element.
25 You can't just go look once. You got to look a

1 number of different times to see if things are
2 changing or if they're stable.

3 So at least from what's been presented to
4 the public for public comment, there's just not
5 enough information to know whether this is a good
6 solid scientific study or just completely handling;
7 impossible to tell.

8 The other comment I'd just make concerns
9 transparency. Because in addition to being a
10 scientist, I've also done a lot of work on the
11 communication of complex scientific ideas to the
12 public, and it's a very tricky thing, because if you
13 throw too much numbers and numerology and
14 phraseology at people, you go way over their head.
15 But if you don't tell people anything, then it's
16 just not transparent.

17 Just I would personally comment the way
18 this meeting is run, the way I would run it is I
19 would have said, We're going to do this study, this
20 is what we're looking for, this is what we might or
21 might not find, and here are the people who are
22 doing the study, and we're doing the study because
23 -- and in this case, I believe it's because the
24 judge told you to do the study.

25 I think it's very difficult when you

1 simply come and say, Hi, I'm a nice guy, do you have
2 any comments on the study, because then there's no
3 idea what you're talking about really and each
4 person is just making comments against something
5 that was written on a piece of paper or published
6 without really being able to look people in the face
7 and say, Oh, you're going to do that or you're going
8 to do that.

9 So I think if I were -- you know, be more
10 transparent for people to identify themselves and
11 what they're planning to do. So those are my
12 comments. Thank you.

13 MS. CHANG: Mahalo. Melva. And then
14 after Melva, William.

15 MS. AILA: Aloha. My name is Melva Aila.
16 I'm here tonight to represent my ohana, and then,
17 just like Vince, I, too, and all of us, our family,
18 swim and fish and dive at Makua.

19 And I just wanted to let you know if
20 you're familiar with the ordnance reef project, that
21 project was done really, really well, and through
22 the whole project was transparency, there was a
23 modeling and sampling and mythologies that was done
24 specifically for Waianae, and it wasn't comparing
25 information to projects done on the mainland. And a

1 Waianae fisherman was used, Carl Jellings, to get
2 the samples, but he's not here tonight. He probably
3 could share a lot, too. Any questions about the
4 sampling or modeling or the mythology, I'm sure Eric
5 DeCarlo, our geochemist from UH, can answer the
6 questions, and all his information can be very
7 helpful to you. You don't need to reinvent the
8 wheel, but you need to do it right. Mahalo.

9 MS. CHANG: Eric. And after Eric, William
10 Hoohuli. Would anyone like to say a comment after
11 William? Okay.

12 MR. DeCARLO: Aloha. I'm Eric DeCarlo.
13 I'm a professor at the University of Hawaii. I've
14 been working in these waters for quite a while. I'm
15 definitely not a cultural practitioner. I'm a
16 European haole, not a mainland haole, by the way,
17 and so -- and I've lived here for 35 years and very,
18 very much interested in preserving the land and
19 making everything right.

20 So I've been involved in the ordnance reef
21 study, and there's a couple of things that I'd like
22 to say to our newcomer expert from NIH. I've done
23 my careers on metals and one of the first things I'd
24 like to point out is arsenic is a very conservative
25 element in sea water. It's abundance is very well

1 known. It does not change anywhere in the open
2 ocean. It does in coastal areas if there are
3 hydrothermal influence, removal processes,
4 anthropogenic activity. There's absolutely zero
5 need to measure the water. There is, however, an
6 important need to measure the concentrations in the
7 various organisms, the plants, the speciations
8 particularly.

9 Since you come from NIH, you know very
10 well that the organic forms are much, much less
11 toxic than the inorganic form, since plants tend to
12 take up phosphate and arsenic is the same structure.
13 It's important to differentiate the inorganic from
14 the organic, and you'll probably agree that in the
15 upper trophic levels you're not going to find much
16 of the inorganic form, which is a great thing. We
17 still need to know what those concentrations are.
18 There's absolutely zero problems with getting the
19 detection limits and the concentration levels that
20 are out in the environment. We can measure that
21 routinely. Commercial labs can do it reasonably
22 well. There are plenty of research labs that can do
23 it very routinely. So I think all those questions
24 can readily be addressed. They should be. Totally
25 agree with the seasonal sampling. Temporal

1 variability is important.

2 You also probably realize that in biology
3 it takes a while for things to change, and so we
4 have kind of a slow motion effect when we're looking
5 at the biology, whereas in a medium like the water,
6 you have an extremely rapid change potential for
7 input. So all those things have to be taken into
8 consideration. Knowing the difference between the
9 plants and the animals is also quite important. I
10 think the -- personally, I would also like to see
11 the presentation of what has been proposed, and it's
12 made me ashamed that that was not done, because I
13 think many of the concerns you folks have could have
14 been allayed from that. But be that as it may, this
15 is where we are.

16 I think the comments with regards to doing
17 pre-site surveys to ensure that we can compare a
18 reference site with another are valid concerns. I
19 also think that there is enough known about the
20 oceanography, the geology, the biology of these
21 islands that we can make reasonable first guesses
22 and then go there and ensure that -- you know, I
23 would love to see Carl involved in this again. If I
24 have any say, Carl's gonna be the guy collecting the
25 biology out there. He's done a fantastic job for us

1 in ordnance reef and we've already heard from Melva
2 how, you know, the community has accepted that
3 study. So I think, from what I understand what's
4 going on, the intent is to try that approach as much
5 as possible.

6 I think because of the history of this
7 particular situation, we're kind of -- I won't say
8 we're changing gears. It's kind of like, you know,
9 when you come to a fork in the road, take it. And
10 so we have a possibility here to make some changes
11 that will improve on what's going on, but we can't
12 just discard what has been done in the past, because
13 I think there's a lot of valuable information there.

14 I could go on for hours, but you don't
15 want to listen to me. You can read about things
16 that I write at your convenience. Aloha.

17 MS. CHANG: Next I have William, and then
18 after William, Kaanohi.

19 MR. HOOHULI: My name is Willie Hoohuli.
20 I have a question for the people. How many of you
21 guys eat fish from Makua? Okay. When you ate the
22 fish over the years, did you feel anything wrong?
23 Answer the question. So how can you guys say that
24 the fish is toxic? How about the fish that we get
25 from the store? It's high -- high in what? Please,

1 the people who raise their hand, I throwing the
2 question at them. You need to answer the question
3 if you like my vote with you. You understand? I
4 mean, if you guys been eating the fish out there,
5 the he'e, let me tell you something, that's my
6 freezer out there. Yeah? The only thing I see with
7 myself -- I pass over 70. I getting old. You know
8 what I'm saying? I getting old. I don't have an
9 extra tail. I don't have an extra ear to prove to
10 myself that the freezer is still good. I don't know
11 if you're getting my point. But you go in the
12 store, even in the news later it's saying very high
13 in what? Somebody tell me.

14 AUDIENCE: Mercury.

15 MR. HOOHULI: The fish is very high in
16 what? Please, somebody help me.

17 AUDIENCE: Mercury.

18 MR. HOOHULI: In Mercury. How about
19 Makua's fish; what is it high in? How about the
20 opihi? How about the limu? What is it high in?
21 I'm going to tell you something. Maybe it's high in
22 something, but the people is raping everything. If
23 the thing is contaminated -- yeah. You guys saw
24 anybody in Waianae get one extra leg walking around?
25 I don't think so. If you do, let me know. I'll

1 fight with you guys. Now I stay on this side,
2 because you cannot answer my question. What for? I
3 like the question answered. You guys talk about iwi
4 and kupuna. Hey, our family is from there, from the
5 Big Island, Kauai, Maui. They all over there.
6 Kamehameha's great-great-great-great grandmother was
7 the chiefess down there. I don't know what iwi you
8 guys talking about. Okay. Kaanohi?

9 MS. CHANG: You pau, Uncle?

10 MR. HOOHULI: No. I thought she wanted to
11 ask me a question.

12 MS. CHANG: I think she's gonna come up
13 next.

14 MR. HOOHULI: Okay, Kaanohi.

15 MS. KALEIKINI: I do have a question.

16 MR. HOOHULI: Okay.

17 MS. KALEIKINI: Actually, you asked the
18 question, and -- what was wrong with the fish.

19 MR. HOOHULI: Okay.

20 MS. KALEIKINI: We don't know until we
21 have it tested.

22 MR. HOOHULI: I thought that we've been
23 doing the test.

24 MS. KALEIKINI: And that's what the
25 analysis is about.

1 MR. HOOHULI: Let me ask the Army. Are
2 you doing the test?

3 MS. CHANG: Uncle, that's what this
4 project is about, is to do the test.

5 MR. HOOHULI: Okay. What I'm saying is,
6 I'm asking because I'm up here and in order to
7 answer my question, I need to get from the people
8 who coming up and talk -- they need to tell me. You
9 understand, Kaanohi? Okay? But the people who went
10 raise their hand before you not telling me nothing,
11 because I like to know. And if you guys cannot tell
12 me -- go ahead.

13 MR. DODGE: Kala mai. We don't know if
14 there's contamination. We know there's some
15 contamination from the land --

16 MR. HOOHULI: So what you're saying, the
17 Army hasn't been doing their job?

18 MS. CHANG: You know what, Uncle --

19 MR. HOOHULI: No. I want to hear it from
20 him. What you're telling me, the Army is laxing in
21 the job?

22 MR. DODGE: Uncle, the Army agreed in 2001
23 to run tests.

24 MR. HOOHULI: No, no, no, no.

25 MS. CHANG: You know what --

1 MR. HOOHULI: Don't go back far. Just
2 give me an answer. Is it yes or no?

3 MR. DODGE: The Army is lax in doing their
4 job. That's why they gotta do the job again.
5 That's why we're here again.

6 MR. HOOHULI: Then they're not laxing.
7 They did it before; right? Answer that question.

8 MR. DODGE: They tried to do it, Uncle.

9 MR. HOOHULI: The thing is, they tried or
10 they did; which is --

11 MR. DODGE: They tried.

12 MS. CHANG: So Uncle, you know --

13 MR. HOOHULI: They tried. So they did?

14 MR. DODGE: Incomplete.

15 MR. HOOHULI: So now you're saying --

16 MS. CHANG: Wait. Hold on. You know
17 what? Time out, Uncle. I understand --

18 MR. HOOHULI: I need the question there.
19 Because if he give me one good answer, I'll question
20 them.

21 MS. McKEAGUE: Uncle, with all due
22 respect, I don't think we're against the Army, the
23 military.

24 MR. HOOHULI: No. I'm not saying against.
25 I'm not saying against. But how can the survey be

1 concluded if you cannot get everybody together?

2 MS. McKEAGUE: That's what they're doing,
3 Uncle. They're trying to find --

4 MR. HOOHULI: I have to ask -- I have to
5 ask the question: What is wrong with the fish?

6 MS. McKEAGUE: They're going to tell us
7 later on.

8 MS. CHANG: So Uncle, that's the whole
9 purpose of this study, is that they're trying to
10 find out whether there is something wrong with the
11 fish. But you know -- and I don't mean to offend
12 you, but tonight's meeting is really just for you to
13 give your comments about it, and if you think that
14 it's okay, that they've done enough, that's your
15 comment. But that's tonight's meeting.

16 MR. HOOHULI: I didn't say they did
17 enough. I just listening to the comments. So
18 that's how my question comes out to the comment.

19 MS. CHANG: That's fair.

20 MR. HOOHULI: I'll be fair. I'll let the
21 Army do theirs and let the community come out with
22 theirs. Thank you.

23 MS. CHANG: Mahalo, Uncle. So Kaanohi,
24 and then after Kaanohi we have Uncle.

25 MS. KALEIKINI: Aloha. Kaanohi Kaleikini.

1 I think that we could have alleviated all that uncle
2 just went through if we started this meeting with
3 the Army, or whoever is responsible for this plan,
4 if they started with explaining what the plan is
5 about. I'm not sure that everybody got a copy of
6 this. I know uncle didn't get it. If he did, he
7 would have been aware of what this meeting was about
8 and he wouldn't be up here and just went through
9 this whole rigmarole.

10 So this meeting should have been planned
11 better, and all the community should have been given
12 a copy of this, or at least there should have been a
13 presentation of what this plan entails, which, by
14 the way, is very inadequate. It's unacceptable to
15 Malama Makua, and I think whoever did this needs to
16 go back again and come back with something more
17 acceptable. Mahalo.

18 MS. CHANG: You'll be next. We're going
19 to give the court reporter a few minutes to stretch,
20 if that's okay.

21 (Break taken.)

22 MS. CHANG: Can we get everybody to come
23 back? You'll be next, after uncle. Uncle is going
24 to give a comment. If we can all get to our seats
25 --

1 MR. PRESCOTT: Okay. Aloha everybody. My
2 name is Bill Prescott. I've got a haole name.
3 That's because of my father -- he comes from Texas
4 -- but my mother pure Hawaiian, so I am a native
5 Hawaiian. I live on Hawaiian homestead land in
6 Princess Kahanu, right next to Ulehawa Canal. At
7 the end of Ulehawa Canal, close to the mountain, is
8 a rubbish dump. So if you guys looking for
9 contamination, take a look at Ulehawa Canal. That
10 bugger is full.

11 I want to say this, though: I grew up in
12 Wahiawa. In the '40s, you know, towards the end of
13 the war, my dad, he loved to fish for eel. And we
14 used to go all the way out there to Waianae Kaneana
15 Cave, you know, and we'd fish for eel and we would
16 eat the eel. My mother loved the limu and we'd eat
17 the limu. And people been eating the fish and
18 eating the limu since the early -- since the '40s
19 and before that and I don't of anyone being sick
20 from eating the seafood from Makua. And if anyone
21 did, I'm sure the board of health would have put out
22 a notice warning people not to eat anything from
23 Makua.

24 And I'm sure that our people who will be
25 inspecting the contaminants out there are very

1 professional. They know what they're doing, and I
2 don't think that there's any question about their
3 ability to find any contaminants, if there are any
4 contaminants out there.

5 The other thing is, what I'm concerned
6 about is the contaminants from land runoff. As you
7 all know, if you use fertilizer in your yard, if you
8 look on the fertilizer bag it says that it will
9 contaminate water. So if people are using
10 contaminants on the land and it runs off into the
11 ocean, it could very well be detected. My concern
12 is that will our people be able to determine whether
13 the contaminants are from land runoffs or whether
14 they're from munitions or not.

15 And I can tell you that we ought to be the
16 testing waters along the Waianae coast at various
17 spots, especially like the area in front Ulehawa
18 canal, and I know that there are contaminants in
19 that stream that empties into the ocean. I would be
20 interested in knowing what the contaminants are so
21 we'd be able to compare that with the contaminants,
22 if any, in Makua.

23 And also, you know, Waimanalo Gulch, it's
24 known for the runoffs into the ocean. During the
25 last heavy rains, they found medical supplies out

1 there in the ocean and I know that's been a serious
2 concern for us who live on that side of the island
3 -- in this area, because we do go out to the water,
4 and our kids and our grandchildren do, too. So I
5 have great faith in the people that's going to be
6 inspecting the waters and finding and locating if
7 any contaminants in our area. Thank you.

8 MS. CHANG: Mahalo. Auntie? Is there
9 anybody else who would like to provide a comment
10 after Auntie? Okay. Albert.

11 MS. ALANA: Aloha mai kakou. My name is
12 Cathie Alana, and I'm just speaking today as a
13 wahine living in Waianae valley and also having been
14 with a group of people that were the first ones to
15 be evicted from Makua after its usage as a fishing
16 village. However, that's not what is in my
17 discussion for this evening.

18 I support research. I had the privilege
19 of both being involved in western -- what I would
20 call western research, with human subjects,
21 including some juveniles, having to go through the
22 review board here in Hawaii, which is not an easy
23 task for those of you that have to work with human
24 subjects or have that privilege. I currently teach
25 in the Hawaii State Hospital, and I teach what's

1 called evidence-based practice, which is based upon
2 research most of the time. And my kuleana -- my
3 responsibility -- as a practitioner is to make sure
4 that I can translate the information that is there
5 to the people that need it that have -- or
6 considered throw-aways by society, that may not have
7 social skills, may not even be able to read and
8 write. So my kuleana is to understand the research,
9 where it came from, the intent, the purpose and to
10 make sure from the western side that I'm
11 representing that I'm a licensed person in my field.

12 As a practitioner, however -- and this is
13 not in my job description -- I am responsible to my
14 community. I'm responsible to those students,
15 families and their generations. So it is with great
16 privilege that I choose to be in that position.

17 As it comes into regard with the research
18 for Makua, the marine study, I definitely support
19 the research. However, I do have concerns, and I
20 understand, you know, as we're facing the fiscal
21 cliff that kala -- money -- could be an issue.
22 However, there is a very fine line between the money
23 and people's cultural practices and their religious
24 beliefs, for those that still follow those
25 practices. And even though I have a palapala that

1 gives me certain things as a practitioner, I'm
2 basically a haumana of the aina -- a student of the
3 land -- and that is my responsibility.

4 In some of the statements that have
5 occurred, I think it is extremely important to,
6 first of all, understand the complexity of what
7 you're getting into. And it is not helter skelter.
8 It is extremely important that you understand which
9 limu you're choosing, why you're choosing it, and to
10 not forget that some of these are considered la'au
11 -- medicine. They have healing purposes. That's
12 one concern that I have.

13 The second concern is in having worked as
14 adjunct staff to different projects, my concern is
15 that we do not have a lab here. So what are the
16 variable facts of transporting this limu to the
17 mainland? It is a major, major, major concern,
18 because if you have worked with la'au, there's a
19 spiritual connection, and when you remove the la'au
20 from the aina, it changes. And so what's important
21 is that you have consultants that understand and
22 respect these concepts so that the validity is
23 demonstrated both in the western scientific method
24 as well as the current understandable practices of
25 the people that are here today, meaning not just us

1 here in this room, but the people that are utilizing
2 it.

3 David brought up the concerns about the
4 different study areas, and I think that is extremely
5 crucial. We do not need -- now, if you want to open
6 up a can of worms and you think you guys have
7 problems with Makua, go ahead in the valley and open
8 it all up. Because I can tell you there's more
9 munitions over there. There's Department of Health
10 surveys that have yellow pieces that have
11 carcinogenic material, have caused people cancer.
12 So I suggest that you don't even go there. What is
13 comparable would be to the areas of the study.

14 And I know that you folks have the
15 education and you have the experience, you have the
16 written reports, and that's all -- you know, thank
17 you for that. You know, you're not just somebody
18 that we bought on Ebay. You're actually here.
19 You're present. You come out here and you try to
20 engage, and I think that that's very, very
21 important.

22 There are missing factors here and I think
23 Auntie mentioned what are the protocols. When land
24 is cleared in the back of Schofield, you have
25 cultural observers. You need to very carefully look

1 at and include those individuals in the collection
2 of this. And as someone else mentioned, about going
3 into the kai, going into the ocean, if you're not
4 comfortable doing that, and I respect that, then
5 send somebody who is, who also knows and understands
6 and respects what is there and can also give you
7 guidance in how to malama, how to take care of what
8 you're collecting, whatever variety it may be. So
9 those are just small, little things that are really
10 big things.

11 And trust is a very, very important issue.
12 So I understand -- I think I understand Uncle's
13 concerns, but there are also things that change.
14 Maybe five years ago we could expect Department of
15 Health food inspectors to check our food, but with
16 the recession and a lot of things that are
17 happening, you're lucky if you can get them to
18 check. Therefore, if we're utilizing a system that
19 is fragile, we need to either acknowledge that and
20 put whatever is out of the box into that package so
21 people know what is collected and these are the
22 variables that are collected with it, and not just
23 brush it off and make assumptions.

24 So I just want to share my mana'o humbly
25 with all respect to everyone that's in this room,

1 whether they speak or whether they do not speak.
2 Mahalo.

3 MS. CHANG: Mahalo, Auntie. Uncle Albert?
4 Anybody after Albert? We're going to take up David
5 after that. Anybody else?

6 MR. SILVA: Aloha, everyone, and you, too,
7 Jo. Thank you for coming. I guess we all heard
8 quite a bit. We heard pros, cons and suggestions
9 and criticism that all boil down to this unfinished
10 situation that we have, but yet there's so much more
11 to be said. I'm sure each one of us here this
12 evening came with thoughts that we'd like to share,
13 and I have some thoughts that I'd like to share with
14 you.

15 And what it really amounts to is a little
16 common sense maybe. I'm not smart, but I've been
17 around a while, so I've seen a lot of things come
18 and go. And Hawaiians say, hakaka, hakaka
19 ho'opa'apa'a. And that is the result of not being
20 able to come to common ground. I believe that our
21 United States Army, who keeps us from being overcome
22 by an enemy, and each one of us is not an enemy. We
23 are citizens and the respect I feel that each one of
24 you deserve is no different than respecting our
25 military who lay their lives on the line.

1 So here we go. You know, from what I've
2 heard this evening, it all boils down to
3 technicalities. You know, like you use only half of
4 the limu or three-quarters of the limu and make a
5 decision, or try to make a decision by what you have
6 in your hand if it's healthy or unhealthy to
7 consume. Now, to consume, we know vegetables that
8 we eat that we are provided for at the market has
9 toxins in it, but very low traces. We are aware of
10 that.

11 But this evening, I feel that we need to
12 be a lot more realistic and be fair to each other
13 and support what we need to do. To be detrimental,
14 there's no gain. All poho. Hawaiians use the term
15 poho, where it's wasting. Wasted is something that
16 we really can't afford at this point in our America.
17 We can't afford that. That's for somebody else.
18 They have their civil wars or whatever it might be,
19 but we're not destined for that. We should, you
20 know, help make it nice so that we all can go on.
21 Sure people depend on problems at times to make
22 money, make a life for themselves. But we don't
23 want to do that.

24 And here, I am not trying to find fault or
25 -- hoping that we can come to common ground and

1 accept what is presented. Because why? Go down the
2 coast. Go up the coast. Like somebody mentioned --
3 I think it was Bill -- the runoff from these
4 landfills -- hey, sue them buggers. They got plenty
5 of money. They make plenty of money from tipping
6 fees. They're not out there to do the right thing.
7 I don't think so. They're making money. It
8 tarnishes our community. And a lot of it, we don't
9 realize it. We don't put it in common sense that we
10 don't need to do that. We don't need to go that
11 route.

12 And besides, do you realize that we have a
13 health department, a board of health department, and
14 other health departments that are tied in with the
15 board of health that protect our well-being, our
16 health? Now, I believe that whatever information
17 that is needed to verify that whatever fish, limu,
18 plant life in Makua is safe for us, they will be
19 able to tell us, the health department. And we pay
20 those people big money. Think about it. They
21 should be the people that tell us, you know, you
22 have a problem, you have a very serious problem.
23 They should be telling us this. But I haven't heard
24 anything from the health department to tell us that
25 we have a serious problem in Makua or from Makua.

1 They don't even call the shots over here at Ulehawa
2 bridge where that opala and contaminations -- we all
3 know that.

4 But maybe to go after private monies is,
5 to me, a better way to earn a living or make money.
6 Going after our defense system, costing us more
7 money to protect our well-being from some other
8 country taking over us? We shooting ourselves in
9 the foot, believe me. We're just wasting -- we
10 create distrust. Creating distrust is a terrible --
11 it's a sin, believe me. I leave with that in mind.

12 MS. CHANG: Mahalo, Uncle. Is there
13 anybody else who would like to submit a comment?

14 David? And you can always submit written
15 testimony, too.

16 MR. HENKIN: I intend to. It's just
17 sometimes good to share. Not everyone is going to
18 read the written testimony. In fact, I would hazard
19 a guess that other than the Army, hopefully most
20 folks here won't.

21 David Henkin with EarthJustice. Aloha
22 hana hou. I only have a few additional brief
23 remarks, but I want to provide a little background
24 for those in the room who don't know why we are here
25 tonight.

1 In 2001, Malama Makua and the Army entered
2 into a consent decree -- that's the settlement
3 agreement that's entered by the court -- that said
4 that the Army would do an initial study to see
5 whether there was any contamination getting from the
6 military reservation into the near shore areas, and
7 they agreed that if they did those studies and they
8 showed that there was that contamination, they would
9 follow up with studies to address the community's
10 concerns that food from the ocean might be
11 contaminated. So that was our first agreement, in
12 2001.

13 We were concerned when the draft
14 environmental impact statement came out that it did
15 not include those studies, because their own
16 examination showed that there were contaminants
17 flowing in the streams when it rains. And so we
18 went back to court, and in 2007, we entered into a
19 second court-ordered settlement agreement that laid
20 out the terms of these specific studies of these
21 resources.

22 And unfortunately, when the Army came out
23 with that study, we took -- we had to take them back
24 to court because they had not done the studies that
25 we'd agreed to, and last year the Federal Court

1 agreed with us and ordered the Army to do this
2 additional added study.

3 So the reason, Uncle, that we're here is
4 because we'd like the information about whether the
5 fish and the limu and he'e and the loli, whether
6 they're safe to eat. And as I said last time when I
7 was up here, if the answer to that is yes, that
8 everyone can have confidence that they can feed it
9 to their family, that's the best outcome for us.
10 Because if the answer is no, then people like
11 yourself and others have to either take those risks
12 or try and find resources elsewhere and that's hard
13 for the families of this coast. So it's not really
14 -- the intent here is not to be in a dispute with
15 the Army. It's to find some answers to some
16 agreed-upon questions.

17 So there's been a lot of good testimony
18 tonight. I just want to raise a few additional
19 points. The issue was raised -- Bill, you raised
20 the issue about how you can tell the difference
21 between the contamination coming from the surface
22 runoff from other areas and the military-related
23 contaminants. As I said, the Army has done studies
24 that show that the streams flowing out of Makua have
25 a number of contaminants flowing in them, and the

1 only one operating in this valley -- and these are
2 coming from the military reservation, not anything
3 in the near shore area. The only one operating
4 since World War II, since Pearl Harbor, pretty much,
5 is the military. So that's why we're doing the
6 studies and that's why we need to have a careful
7 selection of their reference sites, because we don't
8 want to get bad information that confuses
9 contaminants that are generally in our environment
10 because of other reasons and the Army's activities.
11 That's why we want them to do good reference sites,
12 so we can distinguish between the military and
13 non-military.

14 When it comes to sampling, the species, if
15 you look at table four, on page 17, it's got a long
16 list of different types of limu, and one might be
17 led to believe by reading the title, Species of
18 Interest Targeted for Supplemental Study, that all
19 of these would be sampled, but later on it says, in
20 fact, that if they can find enough limu kohu, that's
21 the only type of limu that will be sampled. We
22 asked the Army, As long as you're undertaking this
23 effort, to please sample many different types of
24 limu, because different types of plants will take up
25 contaminants at different rates, different types of

1 plants grow -- some grow on a hard substrate, some
2 grow in the sand. All of these might be exposed to
3 contaminants in different ways and the people of
4 this coast gather these various types of limu, so as
5 long as you're out there doing the effort, if you
6 would please sample a variety of different species,
7 and as I said before, compare like with like, limu
8 kohu at Makua with limu kohu at a valid reference
9 site, limu lipoa at Makua, et cetera, so we can
10 compare the two. We would ask you to do that. Same
11 thing with the day he'e and the night he'e. They
12 maybe have different life cycles. People gather --
13 this gentleman gathers at night. Vince gathers
14 during the day. And so they should both be able to
15 know whether it's safe to feed that to their family.
16 And that, we believe, is in the spirit of our
17 agreement.

18 It's also important when you gather the
19 samples -- and this was not done in the past, but
20 it's so easy to do today -- to provide information
21 in the report with GPS of the exact location where
22 the samples were taken, because it does make a
23 difference with the sample if these particular
24 samples grow in sandy, silty areas, versus rocky
25 areas. That provides really important information

1 that would be inexpensive for the Army to provide,
2 and we would ask you to do so.

3 You talked about the season -- Dr. DeCarlo
4 talked about seasonality and that he agreed that
5 that was important, and when I read through the
6 sampling plan, I was concerned that if you went out
7 in the spring and you got enough samples, you might
8 not come back in the summer, and what I'm hearing is
9 that hopefully there will be this seasonal sampling,
10 because different species are present at different
11 times of year, they might have different life cycles
12 at different times of the year. That's very
13 important to get good information to the community,
14 and so we would hope and urge you to do both.

15 It's mentioned in the report, on page 29,
16 that when you gather the samples, portions of them
17 will be discarded. And the way that it's worded is
18 the process of samples will involve but is not
19 limited to eliminating undesirable parts and
20 retaining the parts that are typically consumed by
21 residents. But nowhere in the sampling plan do you
22 say with respect to these various targeted species
23 what you consider to be desirable and undesirable.
24 Therefore, we don't know. Different folks eat
25 different parts of different things, and something

1 that I might not eat might be commonly consumed. So
2 in a revised sampling plan, you should give that
3 information to the public so that the different
4 fishermen can get back to you and say, I eat that
5 part of the octopus or, No, I always throw that
6 away, because otherwise, different parts of the
7 animal can take up different contaminants. And so
8 it's just not clear that the samples will accurately
9 reflect what people consume, and that, in order to
10 do a valid, meaningful study, is important.

11 The other thing that's important when you
12 do -- when you get your samples is you can't mix
13 different species together. The last go around,
14 there were a number of different species that were
15 put together in what were called these composite
16 samples, and when you mix up different species, you
17 lose a lot of information because different species
18 will take up contaminants at different rates.
19 Likewise, to the extent possible, you should not mix
20 together different individuals, because as we've
21 heard, there's variability between individuals and
22 what they may be taking up, and if you blend them
23 together, you get an average, but you don't learn
24 that some of these he'e may be off the charts in
25 certain contaminants, and that's valuable

1 information that should not be lost, particularly
2 for the arsenic.

3 And the last round of studies -- I know
4 it's going to be different, which is great -- we did
5 not have speciation between inorganic and organic
6 arsenic. We're going to have it this time and
7 that's critical to know what the health threat is or
8 is not. But because there can be great differences
9 in terms of uptake, preserving those samples
10 individual by individual, rather than making these
11 mixed composites even within species is important to
12 provide valuable information.

13 We will be working with technical
14 assistance to provide a more thorough analysis of
15 the plan and make suggestions, so that at the end of
16 the day, hopefully, we can have information that we
17 all have confidence in.

18 I'm very happy to hear that you are
19 planning to retain both fishermen, particularly
20 someone like Mr. Jellings, who has earned the
21 confidence of the community, because that collection
22 of the species from the marine environment is where
23 the rubber hits the road. And if you pick up the
24 wrong thing, everything goes bad from there. And if
25 you hire people that the community trusts, then

1 they'll know if he says it's limu lipoa, it was limu
2 lipoa and it wasn't something else. So we utterly
3 encourage you to use those local resources that are
4 available to you and would build that trust.

5 The last thing I would request -- since
6 you had this meeting more than a month before the
7 close of the public comment period, if you could
8 provide to the public on your website the transcript
9 before the close of the public comment period --
10 I've appeared before a lot of courts and read a lot
11 of the transcripts, and despite best efforts,
12 occasionally things get garbled. And if you want
13 good information and want to know what people are
14 trying to communicate, it's helpful to give folks an
15 opportunity to review the transcript of their
16 testimony so they can make any corrections if they
17 misspoke or if it was captured in a way that they
18 did not intend. I think that would help just make
19 sure that you're working on good information, and I
20 would ask you to do that, and if you do do that, to
21 notify the public that they would have an
22 opportunity to review the transcript. Thank you
23 very much.

24 MS. CHANG: Thank you, David. Is there
25 anybody else who would like to make a comment? I

1 think we did have staff that wanted to also provide
2 you with some information about where you can get
3 additional information on the project.

4 MS. GARDIN: Aloha. My name is Stefanie
5 Gardin and I work with the garrison public affairs
6 office. I have a team of two that handle external
7 communications, so as you can guess, we do have a
8 very large job. But I just want to say thank you to
9 everyone for their comments.

10 And one in particular -- I just want to
11 make sure if people are not aware of where this
12 document is, we have it posted on our garrison
13 website. We have information -- we have sheets up
14 there that we can provide to you that say what that
15 address is. It is also available in the public
16 libraries. If you don't have access to the web or
17 can't get to the public library, please see one of
18 us and we'll see if we can get you a hard copy. We
19 should be able to do that. I just want to make sure
20 that everybody has access.

21 We work very hard to try to get that
22 information out. We sent out new releases to Gail
23 Gomes or West Side Stories. We provide updates to
24 the neighborhood boards here on the Waianae coast.
25 We also send them to our representatives and to our

1 senators over on this coast. So if you aren't
2 getting that information, please let us know,
3 because we do want to know if we're missing people.
4 Thank you.

5 MS. CHANG: Peter?

6 MR. YUH: Hi. I'm Peter Yuh. I know
7 quite a few of you here, but some I don't know -- I
8 haven't met you before. I'm the chief of the
9 environmental division at U.S. Army garrison Hawaii
10 and I just want to extend my thank you for all of
11 you for your excellent comments. We're going to
12 take those comments and move forward.

13 But I do want to apologize. After
14 listening through some of the testimony tonight,
15 that there obviously were a few people that did not
16 quite understand the scope of the whole study and
17 what we're here for. So I would like to offer the
18 opportunity again that we would like to have another
19 meeting before the scoping -- or the comment period
20 end, where we can come and explain to you a little
21 bit more in detail. For those of you who do not
22 quite understand the full scope of the study, we
23 could do that. So that's what I'd like to offer.
24 Because I did see some confusion and we can probably
25 clear that up with a better presentation next time.

1 MS. McKEAGUE: Do you have a date and time
2 in mind for the next meeting? Because I missed the
3 first half. I'd really like to come up to speed
4 with what's going on, so --

5 MR. YUH: Okay. We'll work that and we'll
6 make a public announcement on that. Okay?

7 MS. CHANG: I think they'll post it on
8 their website, as well, and I guess they'll send out
9 notices -- I'm not too sure.

10 MS. GARDIN: For all of you who are here,
11 if you have listed contact information on the sign-
12 in sheet, we can send either -- if you have email
13 addresses or phone numbers, we'll give you a call or
14 email you.

15 MS. CHANG: Kaanohi?

16 MS. KALEIKINI: Peter, how long before you
17 guys come up with the final?

18 MS. MANSKER: The public comment period
19 closes on the 22nd of March, so we need time after
20 that to incorporate the comments before the final is
21 actually done and we go out and start to make site
22 selection.

23 MR. YUH: So we still have a month left
24 until the close of the comment period, so there's
25 some time.

1 MR. DeCARLO: One of the things I might
2 suggest is although we live in a high-tech world,
3 not everybody has access to computers, but I think
4 there should be some active means of distributing
5 hard copies of whatever planning documents are
6 available so that certain community members who may
7 not have access to computers can get those
8 documents.

9 MS. McKEAGUE: I completely agree with
10 him, because this is the Nanakuli side, the west
11 side, and -- we would prefer hard copies.

12 MR. YUH: I think perhaps the best way --
13 a good way of doing it is having it available at the
14 public library and we do have --

15 MS. McKEAGUE: Nanakuli doesn't have a
16 public library.

17 MR. TURNBULL: It's available at the
18 Waianae library, also the Kapolei library.

19 MS. McKEAGUE: Why are you going to
20 inconvenience the Nanakuli residents to go all the
21 way to Waianae?

22 AUDIENCE: What did that lady say? We
23 didn't hear you over here.

24 MS. McKEAGUE: What I'm saying is that the
25 residents here in Nanakuli, or on the west side,

1 would prefer a hard copy, and that why would you
2 inconvenience the Nanakuli residents who came out
3 here to the meeting to go all the way to Waianae to
4 pick up a copy. Why can't you send it out to the
5 people who attended the meeting?

6 MS. GARDIN: If you want a copy, just let
7 us know.

8 MS. McKEAGUE: No. I mean, I can get it
9 from the internet, but I'm speaking on behalf of the
10 people who don't have that.

11 MR. YUH: Sure. Whoever signed up and
12 would like a copy, we could take that.

13 MS. CHANG: Perhaps at the next meeting
14 what they'll do is they'll have a couple of extra
15 hard copies.

16 MS. McKEAGUE: Yeah. I had to get this
17 one -- you know. My friend here didn't get one.

18 MS. CHANG: Maybe at the next meeting --
19 David?

20 MR. HENKIN: I just had a question. In
21 the study there's a bunch of references and if
22 someone wants to get access to some of the
23 references that aren't on the web, who should they
24 contact?

25 MS. GARDIN: Just give us your name and

1 number and we'll work with Steve to get those
2 references.

3 MS. CHANG: Any final comments or --

4 MR. DeCARLO: Just another suggestion --
5 there's not that many public libraries. On the
6 other hand, there are a number of schools, and so
7 I'm not sure whether that generates some additional
8 problems. But most people are close to a school.
9 So it may be appropriate to have a copy at each of
10 the major schools around here.

11 As a scientist and a teacher, I just got a
12 call not too long ago from a teacher at one of the
13 local schools wanting me to come out and just talk
14 about our work. So you've got a lot of youth who
15 are really interested in these kinds of things, too.
16 And you know, I'm not as old as some of the uncles
17 in here, but my time is limited and we need to do
18 this with the keiki, too, and get their interest
19 going and have them be able to help make informed
20 decisions, too. I think one of the good ways is by
21 having things in the schools, you allow them to
22 become more educated and know what's going on, and
23 that's a powerful thing.

24 MS. CHANG: They said yes, they're going
25 to put copies -- they're going to contact the local

1 libraries in the area and put copies in the
2 libraries, at the school libraries. So great
3 comment.

4 MR. DeCARLO: That's perfect.

5 MS. MANSKER: We can also take those to
6 the neighborhood board meetings that are occurring
7 in March that are before the end of the close of the
8 public comment period, and we'll just bring paper
9 copies with us.

10 MS. CHANG: And at the next meeting,
11 they'll bring some extra copies, as well. So I
12 think the intent is to try to make as much access --

13 Does anybody have any final comments
14 before we close?

15 I, as a facilitator, want to thank -- all
16 of you were extremely courteous and respectful to
17 each other. Obviously, this is an issue that you
18 have great passion and concerns and interest about,
19 that you've taken the time to be here. So for me,
20 mahalo for all of you being here. I hope I haven't
21 offended anybody. But again, I appreciate
22 everybody's comments. With that, I'm going to let
23 the Colonel make some final comments and then Hina
24 (phonetic) is going to close us with the pule.

25 COLONEL WHITNEY: Once again, thanks for

1 coming out. We have thick skin, trust me. We want
2 to get this right for everybody. So we appreciate
3 all the comments and really we appreciate your time
4 that you've taken out of your day to come and
5 provide us with comments, honestly.

6 In addition to this whole packet, I had to
7 tell them, hey, where's the executive summary,
8 because not everybody is going to understand the
9 technical jargon and that sort of stuff in some of
10 this documentation. So I've also tasked them to
11 provide something that everybody who's involved in
12 this, and everybody is -- they need to come up with
13 some not-as-scientific type explanation that -- we
14 talked about that today, but we're going to get that
15 out to everybody, too, so -- everybody in the
16 population who wants it. We want to get this right
17 because this is in everybody's best interest,
18 honestly.

19 So once again, thanks for coming out and
20 taking the time to share your opinion, and it does
21 truly matter. So thank you.

22 MS. CHANG: With that -- Hina?

23 (Closing pule.)

24 (Meeting concluded at 8:55 p.m.)

25

C E R T I F I C A T E

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, SUE M. FLINT, Notary Public, State of Hawaii, do hereby certify:

That on February 20, 2013, at 7:00 p.m., the U.S. Army Garrison, Hawai'i Public Meeting re: Draft Supplemental Marine Resources Study Sampling and Analysis Plan was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision;

That the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

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

This 68-page transcript dated February 20, 2013, was subscribed and sworn to before me this 28th day of February, 2013, in Honolulu, Hawaii.

Sue M. Flint

SUE M. FLINT, RPR, CSR 274
Notary Public, State of Hawaii
My Commission Exp: July 23, 2015

