

From: [Justyn Abear](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 12:43:55 AM

I, (Justyn Abear), oppose D2.

Mahalo

Abear Construction LLC

From: [Stacey Alapai](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:56:31 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare. A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Mahalo,
Stacey Alapai
Pukalani, HI

From: [Jim Albertini](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Cancel the Pohakuloa lease. No selling of conservation land at Pohakuloa to the military.
Date: Wednesday, April 10, 2024 9:05:55 PM



**Cancel the Pohakuloa lease. So not renew the lease. Zero acres!
And No selling of conservation land at Pohakuloa to the military.
No Land swaps either. Amen!**

--

Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box
489 Ola'a (Kurtistown) Hawai'i 96760
Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at www.malu-aina.org

From: [Jim Albertini](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony opposing Pohakuloa and other Army leases of State land in Hawaii
Date: Wednesday, April 10, 2024 4:07:32 PM

To blnr.testimony@hawaii.gov

Testimony opposing any Pohakuloa and other Army leases of State land. Our organization calls for NO Action alternative -- Zero acres of State leased land to the military and no land swaps to enable the military to further contaminate Hawaii.

April 10, 2024

Our organization is opposed to any further leases, land swaps, or renewal of existing leases, of State land to the US military. Hawaii is one of the most militarized, and military polluted, places on the planet. We need a process of de-militarization, not continuing militarization. And we need to require the military to clean up its toxic mess. The clean up needs to be much better than was done on Kaho'olawe, where \$450 million was spent more than 20 years ago and only approximately 10% of the island surface was cleaned. There is still massive military contamination on the land and in near shore waters. Some unexploded ordnance is reported to be 20 feet deep in the aina.

As for Pohakuloa, we call for an immediate stop to all live fire, a comprehensive and independent assessment of all UXO and toxins present, and comprehensive clean up, and a return of the land to the Hawaiian people. It is important to emphasize that Pohakuloa is zoned "CONSERVATION LAND" -- the highest protected land status. Bombing, shelling, and a number of military dump sites, etc. are not compatible uses with conservation zone land. A conservation district is established to conserve, protect and preserve important cultural and natural resources. How does bombing and shelling, along with military dump sites fit in with conservation. The military's disregard is demonstrated by its failure to take any of the actions called for in Hawaii County Resolution 639-08 passed on July 2, 2008 by a vote of 8-1. The first action in that resolution called for stopping all live-fire at PTA and any other activities that creates dust until an independent and comprehensive assessment and clean up of the Depleted Uranium radiation contamination already present at PTA is done. Bombing and shelling can resuspend military toxins. Toxins, including tiny DU oxide particles can be carried long distances in the wind. DU oxide particles when inhaled can cause various cancers, birth defects, and genetic damage which can be passed to future generations, according to Dr. Lorrin Pang, MD and 24 years in the Army Medical Corps.

I believe it is important to note that PTA is located in a dry, windy area prone to wildfires caused by military bombing and shelling. The military activity at Pohakuloa is a Lahaina firestorm in the making for Hawaii Island.

I want to also state that I was very impressed written testimony submitted June 7, 2022 by DLNR director, Suzanne Case and K. Tiger Mills of the Office of Conservation and Coastal Lands. Please read and make a part of the record an article in Hawaii Civil Beat of Aug. 24, 2022 about Pohakuloa contamination that includes the full June 7, 2022 statements by Case (9 pages) and Mills (4 pages) after the article. See <https://www.civilbeat.org/2022/08/hawaii-agencies-criticize-a-big-island-military->

[training-site-amid-push-for-lease-renewal/](#)

Director Case points out that "only a little over half of the State lands have been surveyed for archaeological sites." Overall, according to Case the Draft EIS had gaps in data, missing studies and other documents. and many of the plans and studies are more than 10 years old. Case also asks Please clarify how the Army thinks its activities at PTA "could be brought into conformance with conservation district rules." Mention is made for the need of more study on native bird species, biological resources, air monitoring, and cultural data.

K. Tiger Mills ends her 4 page testimony by saying --

'The OCCL notes it appears Table 3-24 Potential Environmental Impacts concludes that the no action alternative would provide the best benefits to the land, environment, flora and fauna, and culture of Hawai'i." The NO Action means zero acres of State leased land at Pohakuloa to the military. I would add that a Presidential Executive order seized 84,000 acres of land at PTA at zero cost in the same year (1964) that the State leased 23,000 acres to PTA for 65 years at a total cost of \$1 dollar for the 65 years. Besides an end to the lease of State lands to the military at PTA, there needs to be a move to rescind that Presidential executive order like was done with a Presidential executive order that returned Kaho'olawe to the Hawaiian people in 1990 under President George H.W. Bush.

While my above comments focus on Pohakuloa, I would also call for comprehensive, independent testing and monitoring for Depleted Uranium (DU) and other toxic contamination at Makua, and complete clean up. Statements by the Army in 2007 said it is possible DU has been used at Makua. The other Army lease sites should be studied by independent agencies for military toxic contamination and thoroughly cleaned. Our organization opposes any further military lease extensions or land swaps. It's long past time the lands be returned to the Hawaiian people in clean condition.

Jim Albertini, President of Malu 'Aina

Below is testimony I submitted to DLNR on Oct. 26, 2023 via email. Please make this a part of the record. Mahalo.

Written testimony to DLND concerning Pohakuloa lease.

Some community concerns expressed about PTA include the following:

- 1. What possible toxins are blowing in the dust, wind, and smoke off PTA from more than 75 years of bombing and shelling, including the use of Depleted Uranium (DU) radiation rounds at PTA? It has been suggested that an independent authority install air filters 360 degrees surrounding the base at government expense to see what might be coming off the base. What is your evaluation of PTA's lack of response to Hawaii County Council's resolution 639-08 passed in July 2008 by a vote of 8-1 calling on 8 actions to be taken by PTA.**
- 2. There are growing concerns about spreading wildfires started at PTA from bombing and shelling. Is PTA, located in the dry, windy center of Hawaii Island, our "Lahaina" fire waiting to happen?**
- 3. There are growing concerns, in light of Military Red Hill fuel contamination of the the**

aquifer on Oahu about toxins from PTA possibly contaminating the drinking water of Hawaii Island. Were military toxins found in the two water wells drilled at PTA 10 years ago? Were the water wells tested for a wide range of military toxins? Why aren't those wells being used by PTA instead of paying \$2 million yearly to haul water to PTA?

4. What are the military plans for clean up of all the Unexploded Ordnance (UXO) and other toxins on the entire 133,000- acres of PTA? I note that maps of PTA say "All of PTA should be considered a Dud Hazard Area."
5. It's been reported that less than half of PTA has been surveyed for cultural sites in 75 years. Why the delay in doing cultural surveys for the entire base?
6. There are growing community concerns about not renewing or canceling the State lease of 23,000 acres for 65 years at a total cost of \$1 and the rescinding of the US presidential executive order in 1964 that seized 84,000 acres of Hawaiian crown and government lands indefinitely for zero costs.
7. What are the current number of live-rounds, and listing of all the various types of rounds, fired at PTA. Is it 15 million, 20 million, 25 million? The last figure I believe released about 20 years ago noted 14.8 million live rounds fired annually at PTA. What other rounds, besides live rounds, have been fired at PTA?

Jim Albertini, president of Malu 'Aina

**Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box 489
Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email ja@malu-aina.org Visit us
on the web at www.malu-aina.org**

From: [Jim Albertini](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] No selling Conservation zone land to the military
Date: Wednesday, April 10, 2024 4:48:31 PM

Additional testimony April 10, 2024

No selling (or land swapping) Conservation zone land to the military so it can bomb and shell it, and contaminate it with a wide range of toxins.

Simple and straight forward. Hard to believe I need to put this in writing.

Jim Albertini, president of Malu 'Aina

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box
489 Ola'a (Kurtistown) Hawai'i 96760
Phone 808-966-7622 Email ja@malu-aina.org Visit us on the web at [www.malu-
aina.org](http://www.malu-aina.org)

From: [Michael Alexander](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:51:34 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Michael P. Alexander
Naalehu, HI 96772

From: [Jason Alexander](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D-2 - Testimony Against DoD contract negotiation
Date: Wednesday, April 10, 2024 6:49:43 PM

Aloha e Board members,

From my position as a PhD candidate in sociology at the University of Hawai‘i, I urge against the proposal in Item D-2 that has the goal of appraising the lease values for Pohakuloa, Kahuku, Kawaihoa, and Mākuā. Leases to the DoD — which has no intention of abandoning its heavily-evidenced structure of exploitative harm to Hawai‘i's ‘āina and wai — must not be renewed or created in any new contracted form. Entering into planning phases to assess new lease values is thus only beneficial if it determines that the cost is priceless, or if you instead assess the immense amount the DoD needs to pay to fund programs to fully clean up and atone for its decades of harm.

Ola i ka wai.

Jason Mark Alexander アレクサンダー・ジェイソン・マーク
PhD Candidate; Dept. of Sociology, University of Hawai‘i at Mānoa
ハワイ大学マノア校大学院社会学部博士後期課程
Visiting Research Fellow; Waseda University GSAPS
早稲田大学 大学院アジア太平洋研究科: ビジティング・リサーチ・フェロー

From: [Brittany Armstrong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:56:34 PM

I, Brittany Armstrong, oppose D2.

Sent from my iPhone

From: [Brittany Armstrong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 1:53:40 AM

Aloha BLNR,

I am writing today in opposition of item D2.

My family has utilized Kahuku Motocross Park for generations—my parents, myself and my husband, and now our children. Being the only legal motocross park on the island, the potential risk D2 poses, I fear will leave a detrimental impact on the thousands of families that currently visit the park.

Please consider my plea to oppose D2.

Mahalo,
Brittany Armstrong
Sent from my iPhone

From: [Baby Girl Dias-Au Hoy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:15:47 PM

OPPOSE D2

Sent from my iPhone

From: [Mikayla Barnak](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 2:20:35 AM

I OPPOSE D2!! Please don't sell kahuku!! It's a place where keiki grow up, including myself!! There are so many memories that have been made there, and I just hope that more memories are to be made in the future other than this land being sold. At least 7000+ people ride, support, and maintain the park. Pleasee. I OPPOSE D2 110%!!! Pleaseee listen to the people.

From: [Ian Battin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:00:49 PM

Aloha,

I'm writing to oppose D2 relating to the Army wanting to purchase or exchange land in the Kahuku area. Locals across the island use this land for recreation and it's the only place on Oahu for off road motorsports. Losing this land or the ability for public to recreate would be a huge mistake.

Mahalo for your consideration.

Ian Battin

From: [no more war](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose
Date: Wednesday, April 10, 2024 9:54:52 PM

I oppose D2!

Sent from my iPhone

From: dbram71@aol.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Letter of Support for Army Land Retention at Pōhakuloa Training Area (PTA)
Date: Monday, April 8, 2024 9:07:06 AM

April 8, 2024

Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621,
Honolulu, Hawai'i 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area (PTA)

Dear Chairperson Dawn Chang and members of the Board of Land and Natural Resources:

I am writing to express my strong support for the U.S. Army's proposed retention of up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on the island of Hawai'i. As a Hawaii resident and a retired soldier, I not only recognize the critical role that PTA plays in military training and preparedness, but also have first-hand experience of how valuable the training at PTA is to military readiness.

I believe that Army retention of PTA is essential for several reasons:

Our national security needs trained and ready forces in the Pacific Hawaii's strategic location in the Pacific Ocean makes it a critical hub for military operations. The military forces stationed in Hawaii are trained and ready to respond to a variety of threats, including natural disasters, humanitarian crises, and military aggression.

Training soldiers to the highest standards. PTA is the **only** training area in Hawaii that allows for large unit training, and to train with the full arsenal of weapons firing live ammunition. This training experience is vital to readiness and insures our soldiers and Marines have the best preparation if called upon to fight.

Indeed, Hawaii's unique geography and climate provide ideal conditions for training in a variety of environments, including jungle, mountain, and urban warfare. However, PTA is the linchpin for combat readiness.

National Guard, Reservists, and First Responders use PTA. Training at PTA allows our permanently local troops to train close to home and to maintain their readiness.

Additionally, the military also allows law enforcement agencies such as Hawaii Police Department, Honolulu Police Department, Hawaii County Fire Department, US Marshals, and FBI to use its training lands for training purposes.

Good neighbors. The military stationed here have proven to be good neighbors and

valued members of the community. They are found volunteering to help our schools, conducting organized clean-ups of our beaches and other areas, and have worked to preserve our endangered flora and fauna. The list of contributions goes on, but the military family is integral to the routine life of Hawaii and is vital to its progress.

In summary, PTA is essential, if not indispensable, for training and readiness of the military, both active and reserve (to include the National Guard), and for the many public safety personnel and first-responders that benefit from training at PTA.

Mahalo for your time and for your public service.

Sincerely,

David A. Bramlett
General, US Army (Retired)
1651 Pensacola St.
Honolulu, HI 96822

From: [Cheryl B](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] ITEM D2 on 4/12/2024 agenda
Date: Wednesday, April 10, 2024 6:39:33 PM

Aloha,

I am submitting testimony in strong opposition to item D. 2. in your agenda for the April 12, 2024 meeting of the BLNR as stated below:

D. LAND DIVISION 2.

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007.

First, we should not automatically assume these leases should be extended. In a Hawai'i Supreme Court decision in 2019, it was decided that the State must "take an active role in preserving trust property and may not passively allow (trust lands) to fall into ruin." Judge Chang clearly stated:" the State (would further breach their trust duties if the were to execute an extension, renewal, or any other change to the state to the General Lease #S-3849, or enter into a new lease of the PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled particularly with any respect to any lease provision that has an impact upon the condition of the Pōhakuloa leased lands". To date, the military has not made any changes in their behaviors and the lands are not taken care of. (documented) How can you consider giving them anything? First, each property be evaluated on the current condition and the military must remove all unexploded ordinances and dangers. Much of the non-State land is filled with unexploded ordinance and faces Saddle Road. As you and they are well aware, if they lose State Lands the military will actually have to consider the impact their "training" has on civilians accessing Saddle Road. They will also have to reposition firing points. We know from Kahoolawe, Hapuna Beach, Bellows and so many other places that this does not happen. It is clear from past court cases that the DLNR breached its trust duty to mālama `āina with respect to the lands that state leases to the US army.

This certainly must include not allowing the Military to exchange, change or continue any leases they have not fulfilled completely as a part of their lease requirement. Including leases that state they must "remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry" and to actively work to prevent unnecessary damage to natural resources that they have failed to execute throughout the term of the lease.

In my testimony, I have not gone into the continued trauma that the use of these military training sites has on the people of this place. The BLNR has heard and known these truths for decades. The fact that the BLNR, no matter who is on the Board chooses to ignore what is best for these islands and people in fear of alienating the US govt./military. The State/BLNR is here to protect the lands and the people, they are one in the same. No more leases.

BLNR has a responsibility to work in the best interest of the people of Hawai'i.

Thank you
C. Burghardt
Kou O`ahu

From: [Mark Cagaoan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:14:13 PM

I OPPOSE D2!

Mark Cagaoan
HVAC Technician
APB Construction Corp

From: [mark.cagaoan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:41:04 PM

I am against the US Army from purchasing Pohakuloa, Kahuku, Kawaihoa, Makua.

From: [Jessie Ann Chesnut](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 6:30:25 PM

Please leave Hawaiian lands in Hawaiian hands. The military does not and never will respect the land as evidenced by their response to Oahu fuel in the water and lack of maintenance to trees currently damaging residents roofs. The kingdom of Hawaii is occupied. We are not even protected by NATO!
It's time to protect and prevent further adverse affects related to USA military actions.

Sent from my iPhone
Jessie Ann Chesnut RN CDE



Military Affairs Council (MAC)

April 10, 2024

Ms. Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area

Dear Chairperson Dawn Chang and members of the Board of Land and Natural Resources

The MAC is writing to express our strong support for the U.S. Army's proposed retention of up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on the island of Hawai'i. The MAC recognizes the critical role that PTA plays in military training and preparedness and we believe that Army retention of PTA is essential.

The Hawaii Military Affairs Council (MAC) was established in 1985 when the Chamber was appointed by the State to serve as the liaison to the military. The MAC advocates on behalf of Hawaii's military, and is comprised of business leaders, academic institutions, State and County officials, members of the CODEL, community leaders, labor unions and organizations and retired U.S. flag and general officers. The MAC works to support Hawaii's location as a strategic U.S. headquarters in the Indo-Asia-Pacific region which is crucial for U.S. national and homeland security.

Hawaii is home to a large and diverse military presence, including active-duty personnel from all four branches of the military and the Coast Guard, as well as National Guard and Reserve units. The military has played a significant role in Hawaii's history and continues to be an essential part of the state's culture, economy, and security. The military is committed to training soldiers to the highest standards, protecting Hawaii's natural and cultural resources, and being a good community partner. The military's presence in Hawaii is essential to the state's well-being.

For the MAC and its 111 members.

Sincerely,

Jason Chung
USA COL retired

VP, Military Affairs
Chamber of Commerce Hawaii

Military Affairs Council (MAC)
Chamber of Commerce Hawaii
733 Bishop Street, Makai Tower, Suite 1200 – Honolulu, Hawaii 96813
mac@hawaiimac.com
(808) 380-2612

From: [Aleta Corpuz](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition of D2!
Date: Wednesday, April 10, 2024 8:25:06 PM

To Whom it May Concern,

PLEASE DO NOT SELL 'AINA to the military! These areas are important to our community especially Kahuku-
The only dirtbike track on island to ride. Please do not sell ANY of these TMKs. They already have enough!

aleta corpuz
Sent from my iPhone

From: [India.cote](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Stop the D-2
Date: Wednesday, April 10, 2024 6:23:44 PM

I do not agree with D-2 buff already
India m cote

From: [Nyah Cui](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:39:30 PM

I oppose d2

From: [Baby Boy Dias-Au Hoy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:13:43 PM

OPPOSE D2

Sent from my iPhone

From: [DW](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-2
Date: Wednesday, April 10, 2024 10:35:28 PM

My testimony will be in opposition. Before any appraisal is authorized there must be a thorough evaluation of the current condition of each property AND the Army must remove all ordinance unexploded or otherwise AND rehabilitate and restore those areas that have in the past been damaged by their activities. In addition, there must be a community process established to determine the future use of these properties that best reflects the needs and desires of the community as a whole.

It should not be automatically assumed these leases will be extended. Setting a lease price amount via authorization of an appraisal is premature.

The BLNR and the State of Hawaii must seek out a future for these lands that's in the best interest of the people of Hawaii.

To be clear- We need to be shrinking the US military footprint in our islands and around the globe, not expanding it.

[Click to access Agenda-240412.pdf](#)

Testimony should reference the below agenda item:

D. LAND DIVISION

2. Informational Briefing Update on the United States Army Training Land Retention Efforts for the Poʻhakuloa Training Area on the Island of Hawai'i and for Kahuku, Kawaihoa-Poamoho, and Mākua Training Lands on the Island of O'ahu;

And

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007.

Daniel Wassman
Sent from my iPhone Sent from my iPhone

From: [Brianna Damas](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:52:37 PM

I OPPOSE D2.

Mahalo,
Brianna K.

From: [Chad Daniels](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:47:59 PM

To whom it may concern,

Please do not allow the US Military to purchase our beloved Kahuku Motocross Park . I have been going up to the park from the early 80's as a child with my father and brothers as we all raced dirt bikes . I have been going up every weekend ever since then . It's very important to me and my Ohana that the Kahuku motocross park do not get sold to the Military as I still enjoy this park with my children today . It's the only legal place to ride on Oahu that we have.

Mahalo

Daniels Ohana

Sent from my iPhone

From: [Deran Decker](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to item D-2
Date: Wednesday, April 10, 2024 5:58:25 PM

I'm writing in opposition to item D-2, as my understanding is it would allow DLNR chair Dawn Chang to sell Hawaiian land to the US military. I myself am not Native Hawaii, however, these lands should remain in the stewardship of Hawaii government until such time the Native Hawaiian community can make decisions as to its use and/or conservation. The US military has had a terrible history of stewardship over Hawaiian lands (even the recent water tank leakage that destroyed our water), not to mention the US military also has a rocky history with Native Hawaiians. I'm fully against any sale of Hawaiian lands to the US military, and long-term, I'd like to see their use of Hawaiian lands dwindle to zero. Thank you for your time and I trust you will take my testimony to heart as a permanent **kama'āina** here on our beautiful islands.

Deran Decker
Honolulu, HI 96822

From: [Elsa Dedman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:31:37 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal

obligations. Thank you for considering my testimony on this important matter.

Elsa Kalanikauleleiawi Dedman
Naalehu, HI 96772

From: [Jessica Domingo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:15:16 PM

I OPPOSE D2!

Kahuku Motocross Track is the only place we can ride safely and teach our children. Please, do not take that away!

Thank you,

Sent from my iPhone

From: [Sarah Espiritu Dudek](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 2:24:47 AM

I, Sarah Dudek, oppose D2.

From: [jenomo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] RE : Agenda Item D2 - Informational Briefing Update on the United States Army Training Land Retention Efforts ...
Date: Wednesday, April 10, 2024 9:16:46 PM
Attachments: [Testimony on the Staff Submittal Regarding Pōhakuloa.docx](#)

To BLNR,

Please find the attached testimony in regarding the Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai‘i and for Kahuku, Kawaiiloa-Poamoho, and Mākua Training Lands on the Island of O‘ahu;

And

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1-001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4-015:008, 4-4-016:005. 7-1-004:007.

Thank you,

Joy Enomoto

--

Joy Enomoto
Executive Director
Hawai‘i Peace & Justice

From: [Kevin Faccenda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for April 12th meeting
Date: Wednesday, April 10, 2024 2:19:38 PM

Testimony regarding D2: " Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007."

Aloha, I am testifying in opposition to this proposal. The reason for determining the fair market value of these lands leased to the Army is an ultimate land swap for lands of equal value. The military does not need more land in Hawai'i, they already lease or own extraordinary amounts of land in Hawai'i, and do not need more. Please do not transfer more lands to military control, but follow the original contracts and allow them to expire and make the Army clean up the lands which it has polluted, including Mākua valley,
Mahalo for your consideration,
Kevin Faccenda

From: [HOSANNA FOLK](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2 testimony
Date: Wednesday, April 10, 2024 7:53:58 PM

Sent from my iPhone
Aloha,

My name is Hosanna Folk and I am currently the park manager of Kahuku Motocross Park currently under the management of Ride HMA. Kahuku Motocross park is only open on weekends, has 400 acres within the Military's lease of over 1000 acres which they use as a training ground.

RIDE HMA Kahuku Motocross Park is the ONLY legal place for riders to go on Oahu. We have well over 3000 plus active members and thousands more who participate in day riding here . These members include many family's that have been coming for over 25+ years as well as new members.

This park has been designated as a dirt bike park for decades.

If D2 were to move forward and the military were able to accomplish their overall goal, where then would the THOUSANDS of riders go?

As the Park Manager I speak for all our riders, families, and the neighboring community that we strongly oppose of D2. We ask that you reconsider this request from the military.

Mahalo,
Hosanna Folk
Hosanna.folk@ridehma.org
808-348-7290

From: [Sophie Zheng](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:47:23 PM

Dear Members of the Department of Land and Natural Resources, I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare. A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Sophie, Fontana

Testimony on the Staff Submittal Regarding Pōhakuloa
Item D-2 on the April 12, 2024 BLNR Agenda

Chair Chang and members of the BLNR,

No appraisal should take place until the Army cleans up its mess. Fair market value cannot be determined until after the Army complies with the lease.

The lease provides, in part that the USA “shall make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.” The USA also promised that it would “take reasonable action during its use of the premises herein demised to remove or bury all trash, garbage and other waste materials resulting from [USA] use of the said premises.”

It makes no sense to appraise the land while it is littered with military debris.

The Army Has Violated and Continues to Violate the Terms of the Lease.

The state lands leased to the military at Pōhakuloa are littered with unexploded ordnance and other military debris. A circuit court judge found that:

29. Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the Subject Lands.

32. . . . Some relevant findings or recommendations in the 2014 CMR includes the following.

Remnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape.

35. . . .During a site inspection of the bazooka range area that was jointly conducted by DLNR and the Army in 2014, the area was found to be “heavily contaminated on the surface with material potentially presenting an explosive hazard (MPPEH)and munition debris (MD). . . . The Army noted that the sheer densities and quantities of ordinance that are present on the ground at the former bazooka range area “coupled with the accessibility to the public make for the potential for significant danger to public health and welfare.”

See Exhibit A, attached.

Last year, your staff inspected Pōhakuloa. Staff found that the area was not “clean, sanitary, orderly.” It found “there were a number of spent shell casings on the ground in certain inspection areas.” Exhibit B.

The Army Does Not Act in Good Faith.

The military has irreparably damaged land through out Hawai'i. The military failed to clear all unexploded ordnance from Kaho'olawe and Waikane Valley. A federal court concluded that the Army "failed to use good faith efforts to develop a plan and secure funding for clearing UXO from the 'high priority sites that the Army was supposed to identify" in Mākua pursuant to a settlement agreement. *Malama Makua v. Gates*, No. 00-00813 SOM, 2008 U.S. Dist. LEXIS 19201, at *3, 2008 WL 696093 (D. Haw. Mar. 11, 2008). And let's not forget that the military irreparably contaminated our water and poisoned thousands of people at Red Hill.

With respect to Pōhakuloa, a circuit court judge found:

52. . . The court finds that this comment by the Army personnel is contradicted by other entries in this Report (which are noted hereinbelow). Contrary to the representation that the Army "regularly inspected and cleaned up after the exercise is complete," the Report appears to indicate that a significant amount of debris and ammunition remnants remain present upon the Subject Lands. This obviously calls into question the veracity and reliability of the Army's representation in the Report that the areas of military exercises and training are "regularly" cleaned up.

Exhibit A.

BLNR Must Require that the Army Clean Up Its Mess Before Any Appraisal.

Allowing the Army to continue to train with live and blank ammunition and explosive munitions on ceded land compromises public rights in these lands. There is no reason to appraise the land unless you intend to allow continued degradation of the land. At a minimum, however, you cannot expect an appraisal to be fair so long as the land is littered with military debris, making it un-useable. Ask the military to clean up all of the state-owned land. Now. And delay any appraisal until after all the debris is gone.

The Army promised to keep public trust ceded lands free of unexploded ordnance and other military debris. Please do not move forward with a land exchange until after the Army has cleaned up its mess.

Aloha,

/s/ David Kimo Frankel

FIRST CIRCUIT COURT
STATE OF HAWAII
FILED

2018 APR -3 AM 8:10

F. OTAKE
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII`I

CLARENCE CHING and MARY MAXINE) CIVIL NO. 14-1-1085-04 GWBC
KAHAULELIO,) (Declaratory Judgment)
)
Plaintiffs,)
vs.)
) FINDINGS OF FACT, CONCLUSIONS
SUZANNE CASE, in her official) OF LAW AND ORDER; NOTICE OF
capacity as Chairperson of the) ENTRY
Board of Land and Natural)
Resources and state historic)
preservation officer, BOARD OF)
LAND AND NATURAL RESOURCES,) Jury-waived trial:
DEPARTMENT OF LAND AND NATURAL) Dates: Sept. 29, 30, Oct. 1,
RESOURCES,) and 2, 2015
) Time: 8:30 a.m.
Defendants.) Judge: Gary W.B. Chang
)
)

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

The above-entitled action came on for jury-waived trial before the Honorable Gary W.B. Chang, in his courtroom, on September 29, 30, October 1, and 2, 2015, plaintiffs CLARENCE

CHING and MARY MAXINE KAHAULELIO [hereinafter "**Plaintiffs**"]
being represented by David Kimo Frankel, Esq., and Summer L.H.
Sylva, Esq., and defendants SUZANNE CASE, BOARD OF LAND AND
NATURAL RESOURCES, and DEPARTMENT OF LAND AND NATURAL RESOURCES
[hereinafter collectively "**Defendants**"] being represented by
Daniel A. Morris, Esq., Deputy Attorney General.

The court having heard the evidence and argument of counsel
and good cause appearing therefor, the court hereby makes the
following findings of fact and conclusions of law and order.

FINDINGS OF FACT:

Parties:

1. If any of these findings of fact are conclusions of
law, then they shall be so construed.
2. Plaintiffs Clarence Ching and Mary Maxine Kahalelio are
residents of the State of Hawaii. They have in the past and are
currently actively engaged in cultural practices upon the
Pohakuloa Training Area that is the subject of this action.
Cultural practices may include, but are not necessarily limited
to, (1) song, dance, and chant about Pohakuloa and its history,
(2) walking upon the lands at Pohakuloa, feeling, showing, and
experiencing reverence, respect, and celebration of said lands,
(3) honoring the rich cultural history, significance of, and
sacredness of Pohakuloa, Hualalai, Mauna Loa, and Mauna Kea,

(4) enjoying the native plants, animals, and insects that reside in Pohakuloa, and (5) recognizing what a precious cultural jewel Pohakuloa is to all of the people of Hawaii and their ancestors.

3. Defendant Suzanne Case is the chair of the Board of Land and Natural Resources and the State Historic Preservation Officer. She is sued in her official capacities. Suzanne Case's predecessor was William Aila Jr.

4. Defendant Board of Land and Natural Resources [hereinafter "**Board**"] is an administrative board that heads the official business of the Department of Land and Natural Resources for the State of Hawaii.

5. Defendant Department of Land and Natural Resources [hereinafter "**DLNR**"] is a cabinet level department of the executive branch of the State of Hawaii. The DLNR manages and administers the public lands for the State of Hawaii. The DLNR's mission is to enhance, protect, conserve, and manage Hawaii's unique and limited natural, cultural, and historic resources held in public trust for current and future generations of the people of, and visitors to, Hawaii nei in partnership with others from the public and private sectors.

Introduction:

6. This is a declaratory judgment action in which Plaintiffs seek a determination of Defendants' obligations, if any, to maintain and care for the leased lands under a government lease of public ceded lands at Pohakuloa on Hawaii Island. The lease that is involved in the instant action is State General Lease No. S-3849 [hereinafter "**Said Lease**"]. The State of Hawaii is the owner of these leased ceded lands.

7. Under Said Lease, the State of Hawaii (as lessor) leased three parcels of land in the Pohakuloa area on the Island of Hawaii to the United States of America ["**USA**"] to use for military training. Some of the training included live ammunition fire into a specific area referred to as the "Impact Area."

8. Defendant William Aila Jr., in his official capacity as the then-chair of DLNR, believes that military training activities have caused damage to public land, natural resources, and cultural sites in Hawaii.

9. According to the website maintained by the State's Kaho'olawe Island Reserve Commission at <http://kahoolawe.hawaii.gov/history.shtml>, the U.S. Navy did not clear all unexploded ordinance from 25% of the surface of the island and these areas remain unsafe.

10. Defendant Case's predecessor William Aila Jr. through the federal court's decision in *Malama Makua v. Rumsfeld*, 163 F. Supp. 2d 1202 (D. Haw. 2001) and subsequent decisions in that same case (*Malama Makua v. Gates*, 2008 U.S. Dist. LEXIS 19201 (D. Haw. Mar. 11, 2008) and *Malama Makua v. Gates*, 2009, U.S. Dist. LEXIS 5050 (D. Haw. Jan. 23, 2009)), is aware of the difficulties encountered in getting the federal military to clean up the unexploded ordinance in Makua.

11. Defendant William Aila Jr., in his official capacity as the then-chair of DLNR, is aware that the military has failed to clean up all the ordinance remaining after the military's use of the land it leased in Waikane Valley.

12. All of the information and knowledge acquired by and known to William Aila Jr. is imputed to Defendants.

13. Plaintiffs, in the past and currently, use the subject lands at Pohakuloa for Hawaiian cultural purposes.

14. The USA uses the Pohakuloa Impact Area portions of the leased lands for live fire training grounds. As a result, Plaintiffs allege that the amount of ordinance remnants, debris, and trash strewn about the subject leased lands are not insignificant.

15. Plaintiffs have filed this lawsuit to determine whether the Defendants have any obligation to maintain and/or clear the leased lands of said ordinance remnants and trash or otherwise cause the same to be accomplished.

16. It should be noted that lessee USA under Said Lease is not a party to this action since Plaintiffs are not seeking any relief directly against lessee USA.

The Lease:

17. In August 1964, the State of Hawaii, represented by the Board, entered into a sixty-five (65) year lease with the USA, which lease is designated as State General Lease No. S-3849 (also referred to herein as "Said Lease"), to use three parcels of land consisting of 22,971 acres of land at Pohakuloa on Hawaii Island for military training purposes for the total cost of one dollar (\$1.00) for the entire 65 year lease period ending on August 16, 2029. [Hereinafter "**Subject Lands**".]

18. The lease contained the following provisions of particular significance herein:

9. In recognition of public use of the demised premises, the [USA] shall make every reasonable effort to . . . remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public, whichever is sooner.

. . . .

14. In recognition of the limited amount of land available for public use, of the importance of forest reserves and watersheds in Hawaii, and of the necessity for preventing or controlling erosion, the [USA] hereby agrees that, commensurate with training activities, it will take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources and improvements constructed by the Lessor, help preserve the natural beauty of the premises, avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from [USA] use of the said premises.

.

18. The Lessor hereby agrees that, commensurate with the public use of the premises herein demised, it will take reasonable action during the use of the said premises by the general public, to remove or bury trash, garbage and other waste materials resulting from use of the said premises by the general public.

19. Subject to obtaining advance clearance from the plans and training office of the [USA's] controlling agency . . . officials and employees of the Lessor shall have the right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly interfere with activities of the [USA] under the terms of this lease; provided, however, that such advance clearance shall not be unreasonably withheld.

19. The lease is silent with respect to any extension of the lease term. Therefore, at this time, the lease terminates by its express terms on August 16, 2029, the end of the 65 year lease period. However, nothing in the lease prohibits the parties thereto from extending the lease term by mutual agreement.

20. The Subject Lands are public, ceded lands, and are

owned by the State of Hawaii. As such, the Subject Lands are part of the public lands trust. Public trust lands are state-owned lands that are held for the use and benefit of the people in general of the State of Hawaii. The State of Hawaii is the trustee of these public lands in the public trust. The trustee of the public lands trust has the highest duty to preserve and maintain the trust lands. This duty is broadly coined in the concept of "malama `aina"--to care for the land.

21. The USA has allowed for inspections of the Subject Lands. However, only a minimal number of inspections by the State of the Subject Lands have occurred to date.

22. In 1964, the lawyers representing the Board during the negotiation of Said Lease with the USA expressed a desire to have the USA include in Said Lease a provision that required the USA to restore the leased premises upon termination of the lease. Ultimately, the lease did not include such a provision. At best, the USA agreed to include paragraphs 9, 14, 18, and 19 in Said Lease.

23. Paragraph 9 obligates the USA to make every reasonable effort to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the public.

24. Paragraph 14 obligates the USA to take reasonable action to avoid pollution or contamination of the lease premises

and to remove or bury trash, garbage, and other waste materials resulting from the USA's use of the leased premises.

25. Paragraphs 18 and 19 provides for various rights of entry by the Defendants.

26. Apparently, the negotiations between the State and the USA regarding the Pohakuloa lands were very broad, covering the full range of options, including the possible transfer to the federal government of title to the subject Pohakuloa leased lands. The State of Hawaii eventually elected not to deed title to the Subject Lands to the federal government. Instead, the State chose to enter into a 65 year lease for the Subject Lands. The State thought that a lease, instead of a deed, offered the State greater control over the condition of the land because a lease protects the public interest in the Subject Lands since the State will get the land back after the lease expires. J.M. Souza, Jr., stated this in his March 9, 1965 letter to James J. Detor, the Head of the Land Management Division of DLNR.

27. The State of Hawaii never abandoned its interest in protecting and preserving the condition of the Subject Lands. On or before April 4, 1973, in connection with a maneuver permit applied for by the federal military, Tom K. Tagawa, a State Forester from DLNR, recommended that, as a condition to the issuance of such a permit to the military, the State demand that the military "clean up debris." By letter dated June 28, 1974,

James J. Detor, a Programs Administrator for DLNR, wrote to defendant BLNR and recommended that the BLNR grant the maneuver permit, subject to certain conditions. One of the conditions is to clean up all materials the military deposits upon the land:

The [military] shall, within a reasonable time after completion of the maneuvers, remove all equipment or other materials placed by it in the permit area, and shall remove, bury or otherwise satisfactorily dispose of all trash, garbage, etc., resulting from the permitted uses

Condition of Subject Lands:

28. The USA has in the past, and currently does, engage in military training exercises upon the Subject Lands. This area is generally referred to as the Pohakuloa Training Area ["PTA"]. The training includes live fire training that uses live and blank ammunition as well as live explosive munitions.

29. Cultural monitors, who spent extensive time on State lands at the PTA, observed military debris, including unexploded ordnance and spent shell casings, scattered across the Subject Lands.

30. Defendants are aware that there is a possibility that unexploded ordinance (UXO) and munitions and explosives of concern (MEC) are present on the state-owned ceded PTA Subject Lands.

31. A November 2010 report was prepared by the United States Army Corps of Engineers, and is entitled "Final- Archaeological and Cultural Monitoring of Construction of Battle Area Complex (BAX) for Stryker Brigade Combat Team (SBCT), Pohakuloa Training Area, Hawai'i Island, Hawai'i." It addressed the conditions upon the PTA and some of the cultural concerns. This report (exhibit 27) included the following observations and recommendation from cultural monitors:

6.2 History

Information regarding song, dance, and chant passed down through many generations will express the most profound understanding of such a wonderful place. This is a profound understanding that gives life, that gives respect, and that builds relationships with what we know as our environment, our elements, and our God.

In oral traditions of the Hawaiians, the high peaks are considered to be a place for the Gods. These peaks and places are very sacred. Mauna Kea, Mauna Loa, and Hualalai are the peaks that border Pohakuloa Training Area (PTA).

From the ice age until today, many people, native vegetation and animals have lived in PTA. It has also been recorded and written that many functions and events occurred in PTA. The native ua'u bird, feral pigs and ungulate ["hoofed"] animals became the permanent residents. High concentrations of native plants and insects live here. At one time, it was the residency of a great leader and chief `Umi and his army.

Exh. 27 at 67.

6.3.1 Introduction

The perspective and understanding of the land to the Hawaiian People is the base of our existence,

resources, generally food and the resources are all connected. The `aina (land) means plentiful "food." To develop unconsciously, to destroy and to misuse the land in ways that are not good for the land is not appreciated. The land is a God, an entity of energy that has life and gives life.

The questions are asked: "Why do they have to train here in Hawaii" and "how is the training done?" As we experienced on Kaho`olawe Island, Makua Valley, and other places in Hawaii, impacts of the military are critical. The land will never be the same. Some areas will never be used again, and all areas are considered hazardous.

Id. at 68.

6.3.2 Impacts

The Military has been operating for half a century at Pohakuloa. Their impacts are damaging in many ways. Training of military causes displacement of native vegetation and destroying of land that will never be safe for future generations.

Ungulates have overpopulated the land (figure 57). The lack of control of ungulates leads to an imbalance of the land, animals, and people. The result of an imbalance causes deficiency of, or a lack of, a system that doesn't work for the community of all plants, animals and people.

Id.

6.3.3 Archaeology Sites

There are varieties of sites in PTA BAX that have been protected and cared for with temporary fencing. Policies and procedures need to be developed and/or reviewed to be in accordance with cultural input. Proper cultural procedures and policies in place will provide a sense of integrity and respect for the

archaeological sites and the valuable flora and fauna for the life of the living.

Id.

6.3.5 Recommendations

. . . .

As cultural monitors we would like to see military impacts stopped at Pohakuloa as well as other places in Hawaii. Thoughts of training with environment friendly munitions might be something to explore.

Reforestation and ungulate control projects are strongly suggested to remedy damages already done to the land in BAX area. The Military needs to implement some kind of cleanup process as part of their training in PTA. Remnants of military trash is everywhere.

Id. at 72 (emphasis added).

6.3.6 Expressions

. . . .

My name is Leina`ala Benson. My husband and I raised our children in Honaunau Being of Hawaiian ancestry and having a "war veteran" father, allows me to have a view of this project on both sides of the spectrum. I understand the need to have our young men and women trained for service. I also feel the need to conserve what is left of our native resources.

. . . .

I can't even begin to explain the dire need for mass ungulate control. In the past 8 months I have observed the increase of this population by at least one third. They are destroying our precious native ecosystem. Immediate attention to this matter is imperative to the restoration in order for native plants that inhabit these beautiful mountains to have their chance to thrive again. Another major concern is the military debris that is left behind after training including unexploded ordinance that is carelessly discarded. There is a need to have some type of cleanup plan implemented in the military training process.

Id. at 73 (emphasis added).

32. Four (4) years later, a September 2014 report entitled "Archaeological and Cultural Monitoring Report for Activities Related to Construction of the Proposed Battle Area Complex (BAX) for the Stryker Brigade Combat Team (SBCT), U.S. Army Pohakuloa Training Area (PTA), Island of Hawai`i, Hawai`i TMK: (3) 4-4-016:005" [hereinafter this report is referred to herein as "**2014 Cultural Monitoring Report**" or "**2014 CMR**"] was prepared for the United States Army Corps of Engineers, Honolulu District, by Cultural Surveys Hawai`i, Inc. [hereinafter "**CSH**"]. This report was prepared after CSH completed monitoring fieldwork in connection with the proposed construction of a Battle Area Complex (BAX) within the PTA. Some relevant findings or recommendations in the 2014 CMR includes the following.

Remnants of live fire training are present within the BAX, including stationary targets, junk cars, an old tank, crudely built rock shelters, and miscellaneous military rubbish. Spent ammunition is scattered across the landscape.

Exhibit 38 at 5.

While many people have expressed that they generally support the training of our troops, there is ongoing concern that such training should necessarily require destruction of the land.

The impact of the live fire training extends beyond the limits of the Impact Area. For example, materials such as white phosphorous can travel well beyond the projectile impact site, and UXO [unexploded ordinance] can be transported unintentionally from one

area to another. . . . This lease . . . requires the land to be restored to its original state when returned. This cannot occur if the land remains so littered with UXO that it is unsafe for anyone to go on the land. If this is the case, the land will be rendered unusable forever—one eighth of our island will become unavailable for use by any of our future generations. This is not acceptable nor could it be construed in any way to be in compliance with the Statehood compact.

Therefore, in order for the Army to meet the lease termination deadline, **we strongly recommend** the Army begin now to seek funding to initiate a serious cleanup effort throughout the leased training areas bounding the impact areas: that major impact/UXO areas be subjected to thorough cleanup

Id. at 75-76 (emphasis added) (bold in original).

33. The recommendation to begin seeking funding to initiate serious clean up is of particular significance because paragraph 32 of the Said Lease states: "The Lessor's compliance with any obligations which may be placed on it by this lease shall be subject to the availability of funds and/or personnel." Therefore, the foresight to consider the availability of federal funds to undertake any clean up activity is a significant consideration in any effort or plan to clear the Subject Lands of the military training remnants and trash.

34. In addition to the Subject Lands, there are lands that appear to have been used as a former bazooka range Munitions Response Site [hereinafter "**MRS**"] from 1950 through the mid-1060s—this use predates the inception of the Said Lease.

35. In a draft document entitled "Action Memorandum for the Time Critical Removal Action," that was prepared in March 2015 by the United States Army Garrison at Wheeler Army Airfield on Schofield Barracks in Wahiawa, Oahu, Hawaii, it was reported that the Former Bazooka Range MRS is located at the Pohakuloa Training Area. As of the March 2015 draft report, the bazooka range was designated as a non-operational range and is off limits to training units. However, notwithstanding this "non-operational" status, the bazooka range was apparently used as a military maneuver area through the early 2000s. During a site inspection of the bazooka range area that was jointly conducted by DLNR and the Army in 2014, the area was found to be "heavily contaminated on the surface with material potentially presenting an explosive hazard (MPPEH) and munition debris (MD)." (Emphasis added.) A subsequent inspection by two military explosive ordinance disposal units found that the following types of ordinance were observed to be present:

1. M29A2 training rounds with dummy M405 fuse,
2. Practice 81mm mortars, and
3. High explosive anti-tank (HEAT) rifle grenades.

Other suspected fired ordinance at the bazooka range area also included:

1. M28A2 bazooka rounds with M404 fuse, and
2. M30 white phosphorus (WP) bazooka rounds.

The Army noted that the sheer densities and quantities of ordinance that are present on the ground at the former bazooka range area "coupled with the accessibility to the public make for the potential for significant danger to public health and welfare." The estimated cost of remediating the danger as of March 2015 was \$2,353,000. Of course, costs would have significantly increased as of the date of the instant decision. The Army recommended that the removal of ordinance danger because of the significant possibility that ordinance exists at the former bazooka range area that "presents an imminent and substantial endangerment to public health, or welfare, or the environment."

36. The Defendants are aware that military training activities on the Subject Lands pose a significant and substantial risk of harm or damage to Said Lands, and persons who may foreseeably come upon Said Lands, which includes harm or damage to the cultural use of the Subject Lands.

37. In a March 13, 2013 memorandum from Steve Bergfeld (Acting Hawaii Branch Manager for DLNR) to Kevin Moore (State Lands Assistant Administrator), DLNR stated: "PTA should sweep the lands North of the saddle road for UXO and remove any UXO found at their expense to make the area safe for the public."

38. A true and correct copy of the Final Environmental Impact Statement for Construction and Operation of an Infantry

Platoon Battle Course at Pohakuloa Training Area (March 2013)

[hereinafter "**Final EIS**"] can be found at

[http://www.garrison.hawaii.army.mil/pta Peis/documents.htm](http://www.garrison.hawaii.army.mil/pta%20Peis/documents.htm).

39. Page ES-8 of the Final EIS states: "Decades of using PTA as a training area have introduced a significant risk of encountering MEC/UXO. MEC/UXO is known to exist in the impact area and is expected to be encountered during range construction activities; but there is also a medium risk of finding MEC/UXO outside the impact area."

40. The types of weapons that have been used at Pohakuloa Training Area may include small arms, grenades, machine guns, shotguns, antitank weapons, howitzers, mortars, field artillery, air defense artillery, explosives, rockets, missiles, and/or weapons using ammunition containing depleted uranium.

41. Page 3-64 of the Final EIS states: "Past and current activities at PTA have resulted in contamination of soil by explosives and other chemicals."

42. The Army has applied to the Nuclear Regulatory Commission for a license to possess Davy Crockett M101 spotting round depleted uranium on ranges at the Pohakuloa Training Area.

43. Defendants are aware that military training activities on the Subject Lands that deposit live or dummy ordinance or debris upon the Subject Lands pose a risk to public health,

safety, and welfare, as well as to the Plaintiffs' cultural interests in the Subject Lands.

44. Defendants are aware of challenges in securing action (not just representations and assurances) from the military to fully comply with provisions of Said Lease that are intended to (1) maintain the condition of the Subject Lands or (2) enable Defendants to malama `aina the Subject Lands.

45. Proper stewardship of the Subject Lands pursuant to Defendants' public land trust duties include, but are not necessarily limited to, periodic and meaningful inspection and monitoring of the military training activities and their aftermath upon the Subject Lands and reasonably accurate documentation of such activities and the effects of such activities to achieve transparency of Defendants' inspection and monitoring actions.

46. Inspections inform and educate Defendants about the nature and extent of the activities taking place in the PTA and the effects of such activities upon the Subject Lands and enable the Defendants to effect compliance with lease terms and safeguard the condition and integrity of state lands. Inspections must occur with a reasonable frequency that will enable Defendants to meet their obligations to malama `aina the Subject Lands.

INSPECTION OF SUBJECT LANDS:

47. An inspection of the Subject Lands by Defendants was conducted on December 19, 1984. The "Inspection Report for General Leases" for that 1984 inspection stated the following:

FINDINGS

1. Property being used for Military training purposes per lease terms.

INSPECTED BY: /s/ Samuel Lee

Exhibit 13.

48. An inspection of the Subject Lands appears to have been conducted ten years later in 1994. The "Inspection Report for General Leases" for that 1994 inspection stated the following:

FINDINGS

(Blank)

INSPECTED BY: (Blank)

Exhibit 14.

49. The complaint was filed in the instant lawsuit on April 28, 2014. The first amended complaint was filed herein on May 12, 2014.

50. Defendants removed the instant case to federal court on May 29, 2014. The federal court remanded the case back to state court on August 22, 2014.

51. Defendants filed their answer to first amended complaint herein on September 19, 2014.

52. Then, Defendants caused an inspection of the Subject Lands to be conducted on December 23, 2014. Unlike the Inspection Reports from 1984 and 1994, the Inspection Report for the December 2014 inspection was not as sparse as compared to those from 1984 and 1994. The 2014 Inspection Report (Exhibit 16) contained much more information. After noting that the condition of the leased premises were "not satisfactory," the Report proceeded to quote, verbatim, the text of paragraphs 9 and 14 of the Said Lease. Then, the Report continued to posit a number of remarks that can be summarized as follows (language in quotation marks are taken, verbatim, directly from the Report):

- a. [Verbatim from Report:] "Army personnel explained that areas used for combat training are regularly inspected and cleaned up after the exercise is complete. It was speculated that [the area located adjacent to the Daniel K. Inouye Highway fka Saddle Road] may have been used for night training and the material found may have been overlooked and will be remediated."

Court's findings (not in report): The court finds that this comment by the Army personnel is contradicted by other entries in this Report

(which are noted hereinbelow). Contrary to the representation that the Army "regularly inspected and cleaned up after the exercise is complete," the Report appears to indicate that a significant amount of debris and ammunition remnants remain present upon the Subject Lands. This obviously calls into question the veracity and reliability of the Army's representation in the Report that the areas of military exercises and training are "regularly" cleaned up.

- b. [Verbatim from Report:] "The first location was a former bazooka target range. . . . spent shell casings found at the target site. . . . The debris area was extensive and the army indicated it will take several months to properly restore the area to a condition acceptable to DLNR."

Court's findings (not in report): This is an example of a representation in the Report that is inconsistent with the representation that the Army "regularly" cleans up an area after an exercise is completed. Obviously, these shell casings were not cleaned up after the training exercise was completed.

- c. [Verbatim from Report:] "Another location brought to staff's attention was a shooting range where many derelict vehicles were brought in for live fire targets. Staff was told this area will also be cleaned up with the removal and proper disposal of the vehicles."

Court's findings (not in report): This is another example of a representation in the Report that is inconsistent with the representation that the Army "regularly" cleaned up an area after an exercise is completed. Obviously, these derelict vehicles were not cleaned up after the training exercise was completed.

- d. [Verbatim from Report:] "A third location brought to staff's attention was an area used for the dumping of spent artillery shells. This area will also be cleared of all ordinance debris and miscellaneous material."

Court's findings (not in report): This is another example of a representation in the Report that is inconsistent with the representation that the Army "regularly" cleaned up an area after an exercise is completed. Obviously, these spent artillery shells were not cleaned up after the training exercise was completed.

53. DLNR has not met its informal goal of inspecting the Subject Lands once every two (2) years. Additionally, DLNR has also not provided adequate documentation of any inspection efforts so as to provide rudimentary transparency into the DLNR's efforts to inspect the Subject Lands so that it can malama `aina.

54. Defendants do not appear to be well-informed of the state of military training exercises and its effects upon the Subject Lands. The lack of regular, meaningful inspection and monitoring of the Subject Lands by Defendants have contributed toward Defendants' failure to malama `aina the Subject Lands under the Said Lease.

55. Defendants have failed to execute their rights and obligations under paragraphs 9, 14, 18, and 19 of the Said Lease, to the extent that those paragraphs enable Defendants to malama `aina the Subject Lands.

56. As of the date the instant lawsuit was filed (April 28, 2014), Defendants have failed to preserve and protect the Subject Lands as required by their duties as a trustee of the public land trust. Defendants have failed to malama `aina the Subject Lands under the Said Lease. These failures constitute a breach of Defendants' trust duties that apply to the Subject Lands. This failure has harmed, impaired, diminished, or otherwise adversely affected Plaintiffs' cultural interests in the Subject Lands. Plaintiffs have been harmed by said failures of the Defendants.

57. Plaintiff Clarence Ching has hiked through various areas within the Subject Lands. One of his cultural practices is to malama `aina the Subject Lands to the extent that he is able. (The court notes that plaintiff Ching's ability to malama

`aina the Subject Lands is very different from the duty of Defendants to malama `aina those lands, by virtue of the fact that plaintiff Ching is not a trustee of the public land trust of which the Subject Lands are a part. Plaintiff Ching's interest in providing malama `aina to the Subject Lands is to the extent that he is an individual cultural practitioner, not the State trustee.) The `aina is of crucial importance to him, his culture, and to his well-being. The `aina is irreplaceable to him. The `aina is the foundation of his cultural and spiritual identity as a Hawaiian. It is part of his ohana. The land and the natural environment is alive, respected, and treasured. Hawaii's state motto embodies a recognition of the significance of `aina to the people of Hawaii.

58. Plaintiff Clarence Ching has a deep and abiding personal and ancestral attachment to the Subject Lands. He is part Hawaiian by his ethnicity and lineage, who engages in traditional and customary practices within and around the Subject Lands. Mr. Ching is a descendant of chiefs, who at one time exercised dominion over Pohakuloa, walking the same `aina over which he, Mr. Ching, now walks and seeks protection.

59. While hiking upon the Subject Lands, plaintiff Clarence Ching has come across spent rifle casings, machine gun cartridge links, unfired blanks, and other military ammunition and other discarded debris. His ability to enjoy the beauty,

majesty, and aura of the Subject Lands without fear or concern for risks to his health, to engage in the cultural practices of his ancestors, and to ensure the long-term health of the `aina have been impaired by the littering of and damage to the landscape, vegetation, animals, and insects of the Subject Lands while under Defendants' watch.

60. Plaintiff Mary Maxine Kahaulelio is a native Hawaiian with at least fifty percent (50%) Hawaiian ancestry by her ethnicity and lineage. She lives in Waimea on Hawaii Island on Hawaiian Home Lands in a community not far from the Subject Lands. Plaintiff Kahaulelio has participated in Hawaiian cultural ceremonies at Pohakuloa. The `aina is central to her existence. Part of her kuleana is to be a steward of the land. It hurts Ms. Kahaulelio to see Defendants' failure to discharge their duties as a trustee of the public land trust for the Subject Lands. This results in the desecration of the Subject Lands. Her ability to enjoy the beauty, majesty, and aura of Pohakuloa, engage in the cultural practices of her ancestors on the Subject Lands, and ensure the long-term health of the `aina has been impaired by the littering of and damage to the landscape of the Subject Lands while under the Defendants' watch.

CONCLUSIONS OF LAW

1. If any of these conclusions of law are findings of fact, then they shall be so construed.

2. The Plaintiffs have standing to enforce their breach of trust claim.

3. Plaintiffs are asserting a state-law breach of land trust claim against Defendants for failing to carry out its duty as a state land trust trustee with respect to the Pohakuloa lands.

4. Lessee United States of America is not a party to this action because the state-law land trust claim does not assert any claim for relief against the United States of America or otherwise necessarily raise any federal or breach of contract issues against it. The Plaintiffs are only asking that the Defendants fulfill their obligations to Plaintiffs to satisfy their trust duties.

5. The United States of America is not an indispensable party to the resolution of this case.

6. All public land natural resources are held in trust by the State for the benefit of the people of the State of Hawaii.

7. The Subject Lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as "available lands" by Section 203 of the Hawaiian

Homes Commission Act, 1920, as amended, shall be, and are held by the State as a public trust for native Hawaiians and the general public of the State of Hawaii.

8. Ceded lands are held by the State as a public trust for Plaintiffs and others. The Subject Lands are ceded lands of the State.

9. Defendants are trustees of State ceded lands for the benefit of the general public of the State of Hawaii.

10. As trustees, Defendants owe a high standard of care when managing public trust ceded lands.

11. As trustees, Defendants owe an undivided duty of loyalty to the people of the State of Hawaii and to the Plaintiffs as beneficiaries of the ceded lands trust.

12. As trustees, Defendants' trust duties include, but are not necessarily limited to, the Defendants' reasonable efforts to achieve the following: (a) preserve and protect trust property and (b) take a reasonable, proactive role in the management and protection of trust property. In exercising these duties, Defendants have a duty to consider the cumulative effects of current usage of the Pohakuloa lands for military training and the use of live ammunition and the running of heavy military vehicles and other equipment upon the condition of the land and upon the indigenous plants, animals, and insects, as

well as the invasion to Plaintiffs' cultural interests in the Subject Lands.

13. As trustees of the public ceded lands trust, these duties and obligations described hereinabove, that are owed by Defendants, are collectively referred to as being included as part of Defendants' duty to malama `aina the Subject Lands. The Defendants' duty to malama `aina the Subject Lands is not an absolute duty or a guarantee. Instead, the Defendants have an obligation as trustees to use their best reasonable efforts to discharge their duties and obligations. If factors beyond their control (such as congressional and presidential funding approval) prevent Defendants from achieving their plan objectives under the law, that must be considered in determining whether Defendants, or any of them, have discharged or breached their trustee duties under the law. Any determination regarding whether Defendants met their obligations as trustees of a public land trust must necessarily be a qualitative determination made upon a determination of all relevant factors, not just a mechanical formulation. Any such determination is not a decision that is free from difficulty. Sincerity and genuineness of good faith actions are factors to be considered, as well as actions, obstacles, and considerations that are shown to be pretextual. There was no evidence admitted in this trial to indicate that lack of congressional or presidential

appropriation or approval is preventing anyone from undertaking any action to remove remnants of military training or other trash from the Subject Lands.

14. As trustees, the Defendants are obligated to use reasonable efforts to ensure that Said Lease provisions that affect or impact the condition of ceded lands and all living things thereon are being followed and discharged. The State's obligations and duties under Said Lease augment Defendants' trust duties to malama `aina. This duty to malama `aina includes both the duty to determine whether a lessee is in compliance with the terms of its lease (through monitoring and inspections) and to follow up to effect compliance once there is evidence that provisions of the lease are not being followed.

15. The BLNR, through its chairperson, is also obligated to enforce leases that constitute a disposition of public lands under HRS § 171-7(5): "Except as otherwise provide by law the [BLNR] through the chairperson shall: . . . (5) Enforce contracts respecting . . . leases . . . or other disposition of public lands"

16. Defendants are obligated to enforce provisions of Said Lease with the United States of America for the subject Pohakuloa lands, particularly as any such provision implicated Defendants' duty to malama `aina those lands.

17. As part of their trust duties herein, Defendants were obligated to enforce paragraphs 9, 14, 18, and 19 of the Said Lease. Paragraph 9 states (emphasis added):

9. In recognition of public use of the demised premises, the Government shall make every reasonable effort to stockpile supplies and equipment in an orderly fashion and away from established roads and trails and to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by the said public whichever is sooner.

Paragraph 14 states (emphasis added):

14. In recognition of the limited amount of land available for public use, of the importance of forest reserves and watersheds in Hawaii, and of the necessity for preventing or controlling erosion, the Government hereby agrees that, commensurate with training activities, it will take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources and improvements constructed by the Lessor, help preserve the natural beauty of the premises, avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from Government use of the said premises.

Paragraph 18 states (emphasis added):

18. The Lessor hereby agrees that, commensurate with the public use of the premises herein demised, it will take reasonable action during the use of the said premises by the general public, to remove or bury trash, garbage and other waste materials resulting from use of the said premises by the general public.

Paragraph 19 states (emphasis added):

19. Subject to obtaining advance clearance from the plans and training office of the [USA's] controlling agency . . . officials and employees of the Lessor shall have the right to enter upon the demised premises at all reasonable times to conduct any operations that will not unduly

interfere with activities of the [USA] under the terms of this lease; provided, however, that such advance clearance shall not be unreasonably withheld.

18. Defendants had these duties, and they continue to have these duties, as trustees from the inception of the Subject Lease and for the entire duration of the life of Said Lease.

19. As trustees, the Defendants also have a duty to maintain a record of their actions to malama `aina. Without sufficient records of all of Defendants' observations and actions, if any, to discharge its duty to malama `aina the Subject Lands, there is no way for Defendants to demonstrate that it did, in fact, discharge its duties as trustee of public land trust. The absence of meaningful records negate transparency of Defendants' observations and actions.

20. The records relating to Defendants' efforts to inspect and report upon its findings were spotty at best. Only three reports of any significance, for 1984, 1994, and 2014, were introduced into evidence. The 1984 and 1994 reports were grossly inadequate and, in the case of the 1994 report, virtually nonexistent because of its lack of information pertaining to the 1994 inspection. There were other studies or site visits in connection with other business regarding the Subject Lands, such as environmental impact statements, but the court did not view these events as being undertaken as part of Defendants' effort to discharge their duty to malama `aina the

Subject Lands. The absence of any inspection or monitoring reports for years other than 1984, 1994, and 2014 creates a presumption that no action to malama `aina in the form of monitoring and inspections were taken, to the extent that any such records were not admitted into evidence herein.

21. In addition to the relevant findings of fact hereinabove, the presumption is that prior to December 2014 (more than seven months after this suit was filed), the Defendants failed to conduct any inspections to monitor or to confirm the United State' compliance with paragraphs 9, 14, 18, and 19 of the Said Lease given: (a) the summary nature of the 2014 report, (b) the virtual nonexistent nature of the 1994 inspection report; (c) the sparse and incomplete nature of the 1984 inspection report; and (d) the absence of any other records regarding inspections or monitoring of the condition of the Subject Lands by the Defendants.

22. Because the Defendants act as trustees when managing the Subject Lands, when Defendants conduct an inspection in the course of discharging their duties as trustees, they must record findings or observations of sufficient detail regarding the United States' activities upon the Subject Lands that will enable one to determine from the content of the report the nature, scope, and extent of the United States' activities upon

the Said Lands, provided that, no military secrets or matters of national security are breached or compromised.

23. The Defendants breached their trust duties by failing to: (a) conduct regular reasonable (in terms of frequency and scope), periodic monitoring and inspection of the condition of subject public trust lands (the monitoring should involve direct (in person) or indirect (via videographic or live remote viewing) observation of actual military training exercises (including live fire exercises of all types using live and/or explosive munitions, as well as the use of heavy vehicles or equipment above and upon the land) so that the monitors and/or inspectors can observe and appreciate the destructive effects, if any, of all such training and use of equipment); (b) ensure that the terms of the lease that impact the condition of the leased lands or preserving Plaintiffs' cultural interests are being followed; (c) take prompt and appropriate follow up steps with military or other federal government officials when Defendants obtain or are made aware of evidence or information that the lease may have been violated with respect to protecting the condition of the Pohakuloa leased lands; (d) consistently make reasonably detailed and complete records (including contemporaneous photographic or videographic depictions) of Defendants' actions to memorialize the efforts, results, and/or actions undertaken to ensure compliance with the terms of the

lease that are intended to protect the condition of the Pohakuloa leased lands and concomitant cultural interests; and (e) to initiate or assist with the appropriation of necessary funding to undertake clean up or other maintenance activities to locate and remove used, spent, discarded, or deposited remnants of military training activities of any kind (including unexploded ordinance or ammunition) and trash upon the Subject Lands.

24. The terms of the order of the court regarding this matter shall not be vitiated, modified, changed, altered, amended, or otherwise affected by any lease renegotiation, modification, assignment, extension, amendment, or other change or cancellation of the Said Lease

25. The Defendants would further breach their trust duties if they were to execute an extension, renewal, or any other change to the State General Lease No. S-3849, or enter into a new lease of the PTA, without first determining (in writing) that the terms of the existing lease have been satisfactorily fulfilled, particularly with respect to any lease provision that has an impact upon the condition of the Pohakuloa leased lands.

26. The Defendants breached their trust duty to malama `aina with respect to the Pohakuloa leased lands.

27. Plaintiffs are seeking injunctive relief compelling the Defendants to affirmatively perform its duty to malama `aina

the Pohakuloa leased lands by affirmatively enforcing the provisions of the subject lease that impact or affect the condition of the Pohakuloa leased lands.

28. Therefore, Plaintiffs are not seeking an injunction order to stop Defendants from doing something. They seek an order directing Defendants to undertake affirmative action to discharge their duty to malama `aina the Pohakuloa leased lands.

29. A prohibitory injunction prohibits the performance of certain acts to preserve the status quo, whereas a mandatory injunction goes well beyond the status quo and commands the performance of affirmative action to do or undo an act.

30. Therefore, a mandatory injunction is particularly disfavored in law and should not issue during the preliminary injunction phase of a case, unless the facts and the law clearly favor the moving party. However, unless prohibited by some constitutional or statutory provision, a court of equity can, and in the proper case will, award mandatory injunctive relief.

31. The instant proceeding involved the trial on the merits and not just an interim motion for a temporary restraining order or a preliminary injunction. When it comes to interim relief pending the outcome of the trial on the merits, there is a general reluctance by courts to issue a mandatory injunction because the purposes of a temporary restraining order or a preliminary injunction are to preserve the status quo until

the ultimate disposition by a trial on the merits. Mandatory injunctive relief is seen as often compelling an act that is well beyond preserving the status quo. Therefore, a temporary restraining order or a preliminary injunction in the form of a mandatory injunction is highly discouraged during the interim stages of a case. However, the trial on the merits is not an interim stage of the life of a civil action. It is the ultimate adjudication of the merits of the case. As such, there is less of a disincentive by a court to consider issuing a mandatory injunction upon the trial on the merits. The court has much more latitude to issue a mandatory injunction if the ultimate adjudication of the merits justifies such relief.

32. Plaintiffs bring the instant action alleging that Defendants breached their trustee duties. Plaintiffs have met their burden of proof that Defendants breached their trust duties by failing to discharge their obligations as trustees of a public land trust. The appropriate remedy is for this court to issue an order directing Defendants to perform their trust duties with respect to the Pohakuloa leased lands. This requires the court to issue relief that is in the nature of a mandatory injunction compelling Defendants to affirmatively perform their trustee duties and malama `aina the Pohakuloa leased lands.

33. Injunctive relief is appropriate when the Plaintiffs have prevailed on the merits, the balance of harms favors injunctive relief, and the issuance of injunctive relief is in the public interest.

34. The Plaintiffs have prevailed on the merits.

35. The balance of harm favors the issuance of mandatory injunctive relief.

36. Protection of the public trust ceded lands is in the public interest.

37. Plaintiffs have proved by a preponderance of the evidence and by clear and convincing evidence that the Defendants have breached or violated their duties and obligations as a trustee of the Subject Lands, which are public, State-owned ceded lands.

38. Mandatory injunctive relief is appropriate here. Plaintiffs complain that, if Defendants are not compelled to malama `aina the Pohakuloa leased lands, they may forever be deprived of the right to use and enjoy said leased lands for religious and cultural purposes. This justifies the imposition of a mandatory injunction that requires Defendants to malama `aina the Pohakuloa leased lands. Otherwise, it is possible that Plaintiffs' use and enjoyment of the Pohakuloa leased lands could be lost in the foreseeable future or possibly forever due to contamination due to the presence of unexploded ordinance or

other life threatening military hazards or dangers that cannot be eliminated or cleaned up.

39. It is within the trial court's sound discretion to fashion appropriate injunctive relief based on the specific facts of the case.

40. In the exercise of its sound discretion, the court concludes that an appropriate mandatory injunction against the Defendants includes the following relief.

ORDER

Based upon the foregoing, and any other good cause shown herein, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. Judgment shall enter in favor of Plaintiffs and against Defendants as to all claims that Defendants breached their trust obligations by failing to malama `aina the Subject Lands.

2. Defendants are ordered to fulfill their trust obligations by doing the following:

A. Defendants shall promptly initiate and undertake affirmative activity to malama `aina the Subject Lands.

B. Malama `aina of the Subject Lands by Defendants includes, but is not necessarily limited to:

1. To develop a written plan to malama `aina the Subject Lands; and
2. The plan shall include regular, periodic on-site monitoring and inspection of the Subject Lands; and
3. For each such monitoring or inspection event of the Subject Lands that Defendants undertake, the plan shall provide that the Defendants, or any of them, shall promptly prepare a written inspection report that provides, at a minimum, all of the information that was called for in the "INSPECTION REPORT" that was introduced as Exhibit 16. In addition, each inspection report shall also contain "RECOMMENDATIONS" by the inspection team for appropriate action to malama `aina the Subject Lands. The recommendations shall also state a projected or reasonable estimated time within which the Defendants should be able to act upon the recommendation. This estimated time is not binding upon the Defendants. However, any enforcement tribunal may consider the time recommendation in determining whether Defendants have met their

trust obligations to malama `aina the Subject Lands.

4. The plan shall include a protocol of appropriate action by Defendants to malama `aina the subject lands in the event that Defendants find:

a. Any actual, apparent, or probable breach of any provision of State General Lease No. S-3849 by the federal government that does or may adversely affect the condition of the Subject Lands or Plaintiffs' cultural use of such lands, and/or

b. Any condition or situation that may adversely affect the condition of the Subject Lands or may otherwise adversely impact Defendants duty to malama `aina the Subject Lands, and/or

c. Unexploded ordinance and any debris deposited upon the Subject Lands by the federal or state military or any other form of training or exercises that take place upon the Subject Lands by, under, pursuant to, or in connection with the State General Lease No. S-3849; and/or

- d. Any other foreign or other non-natural item or other contaminant or debris that is found on the Subject Lands that is present or existing thereon by reason of or in connection with the State General Lease No. S-3849.
5. A plan or other assurance that any nonconforming condition found upon the Subject Lands that was likely caused by the lessee under Said Lease and that threaten the condition or nature of the Subject Lands will be reasonably brought to pre-lease condition and a reasonable timetable for the same.
6. A procedure to provide reasonable transparency to Plaintiffs and the general public with respect to the instant mandatory injunction and all of the requirements of this order.
7. If not already in existence, the institution of a contested case procedure adopted pursuant to Chapter 91 of the Hawaii Revised Statutes for Plaintiffs or any member of the general public with standing to initiate such process in the event that Plaintiffs or other interested party may contest the decisions made by the Defendants

in the course of discharging its duty to malama
`aina the Subject Lands.

8. That the plan developed by Defendants pursuant to this order shall first be approved by the above-entitled court before the plan is put into action, unless otherwise authorized by the above-entitled court. Defendants shall have a reasonable length of time within which to submit a proposed plan for the court's approval, which time shall expire on December 28, 2018; unless such deadline shall be extended by the above-entitled court for good cause shown. Good cause should not include any factor, condition, or situation over which Defendants have control. In other words, good cause for extending the deadline should only include factors, conditions, or situations over which Defendants have no control.
9. The plan shall also include any and all steps Defendants shall take to explore, evaluate, make application for or assist or support the making of such an application for, and securing adequate funding, from any and all appropriate funding sources, to plan, initiate, and conduct

all appropriate comprehensive cleanup of the Subject Lands in order to discharge Defendants' duty to malama `aina the Subject Lands.

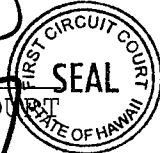
10. The plan shall be approved by the court upon notice and hearing to all parties herein.

3. Defendants shall execute the plan to malama `aina once it is approved by the court.

4. Plaintiffs are directed to prepare and file, consistent with the above, and in accordance with Rule 58 of the Hawaii Rules of Civil Procedure and Rule 23 of the Rules of the Circuit Courts of the State of Hawaii, a separate final judgment. Said final judgment shall also specifically provide that any and all remaining claims, if any, shall be and hereby are dismissed with prejudice.

DATED: Honolulu, Hawaii, APR - 3 2018.


JUDGE OF THE ABOVE-ENTITLED COURT



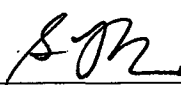
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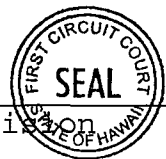
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Via U.S. Mail, Postage Prepaid
ATTORNEYS FOR DEFENDANTS

NOTICE OF ENTRY

The foregoing Findings of Fact, Conclusions of Law and Order in Civil No. 14-1-1085-04 (GWBC) has been entered and copies thereof served on the above-identified parties by placing the same in the United States mail, postage prepaid, on March 28, 2018.



Clerk, Fourteenth Division



INSPECTION REPORT
Commercial/Industrial/Resort/Other Business

General Information

Document Number: GLS 3849 or RPS _____ Character of Use Military Purposes
 Inspection Date: 8/16/2023 Inspection Time: 9:30 am Land Agent: Gordon Heit 

TENANT INFORMATION

Name: United States of America (Dept. of Army) Home Phone: _____
 Address: P.O. Box 4607 Business Phone: (808) 969-2407
Hilo, Hawaii 96720-0607 Fax: _____
 Contact Person: Lt. Col. Timothy L. Alvarado Contact Phone: (808) 228-6598 (cell)

SITE INFORMATION

TMK: (3) 4-4-015:008, 4-4-016:005, 7-1-004:007 Area: 22,971 acres, more or less
 Site Address: Pohakuloa Training Area
Hamakua, North Kona, Island of Hawaii

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent	X			
Liability Insurance	X			
Fire Insurance	X			
Bond	X			

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases	X			
Improvements	X			
Premises		X		
Character of Use		X		For Military Purposes

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File			COMMENTS/NOTES/LISTS
	N/A	YES	NO	
Subletting	X			attach copy of list or map if applicable
Improvement Construction Buildings			X	note deadlines for % completion Some structures (i.e. Quonset huts) were built prior to The current lease. Review of files does not indicate plan approval for any recent building construction.
Improvement Construction Other structures/misc.		X		note deadlines for % completion Tenant contemplating improvements to Cooper Airstrip within the leased area, pending further planning and consultation. Plans submitted and approved by Chairperson for the installation of electrical substations within the lease area.

Field Inspection

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
SUBLEASES				
Consents approved	X			
Use adheres to lease purpose	X			
IMPROVEMENTS				
<u>Buildings/Residences:</u> roof		X		
paint		X		
exterior		X		
interior		X		
<u>Structures:</u> roads		X		
walkways		X		
fencelines		X		
others				
PREMISES				
clean, sanitary, orderly			X	See comments below
appropriate storage/use of hazardous materials		X		
CHARACTER OF USE				
adheres to lease purpose		X		Military Purposes

ITEM	SATISFACTORY?			COMMENTS/NOTES
	N/A	YES	NO	
Other:				<p>The designated use of this lease is for “Military Purposes”.</p> <p>Most of the area has been utilized for military maneuvers, target practice, and firing ranges into the Pohakuloa Impact Area (lands within Presidential Executive Order 11167).</p> <p>Paragraph 9 of the lease states: In recognition of public use of the demised premises, the Government shall make every reasonable effort to stockpile supplies and equipment in an orderly fashion and away from established roads and trails and to remove or deactivate all live or blank ammunition upon completion of a training exercise or prior to entry by said public.</p> <p>Paragraph 14 of the lease states: In recognition of the limited amount of land available for public use, of the importance of forest reserves and watersheds in Hawaii, and of the necessity for preventing or controlling erosion, the Government hereby agrees that commensurate with training activities, it will take reasonable action during its use of the premises herein demised to prevent unnecessary damage to or destruction of vegetation, wildlife and forest cover, geological features and related natural resources and improvements constructed by the Lessor, help preserve the natural beauty of the premises, avoid pollution or contamination of all ground and surface waters and remove or bury all trash, garbage and other waste materials resulting from Government use of said premises.</p>

Site Inspection, 8/16/2023:

As a result of a court ordered DLNR management plan for the leased lands at Pohakuloa, a site inspection of GL S-3849 was recommended to be conducted annually, accompanied by a formatted inspection report. Requirements for the inspection report include identification of the areas inspected, photographs, and a narrative account of the inspection. Recommendations for the inspection report include identification of areas that should be the target of future inspections and comments on any necessary corrective action. Additional recommended actions associated with the inspections include efforts to conduct inspections in 500-acre increments, participation by up to two representatives designated by the Native Hawaiian Legal Corporation, and inspection of priority areas identified in the management plan.

The 2023 inspection occurred on August 16, 2023, with staff from the Land Division along with a representative from the Attorney General’s office. Also present were members of the military as well as observers representing the plaintiffs from the lawsuit. The inspection occurred between the approximate hours of 9:00 a.m. and 2:00 p.m. The time spent was (roughly) divided equally among the inspection sites described below.

The emphasis of this inspection was a focus on five areas located within General Lease No. S-3849 utilized by the army. The 2023 inspection included five priority sites described in the management plan and identified as priority inspection areas by the Native Hawaiian Legal Corporation. The inspection focused on locating the sites and inspecting the areas leading to and surrounding the site in order to assess compliance with the lease. Each of the inspection areas were observed and visited by foot, and the overall condition of the sites and surrounding area was good. There was very little trash and no evidence of any UXO in the inspection area, although there were a number of spent shell casings on the ground in certain inspection areas. The shell casings looked old and did not appear to be associated with recent training exercises.. The vast majority of the inspection sites appeared to be in a natural condition or at the least, minimally disturbed.

The sites visited were plotted on a map circulated to all participants. A copy of the inspection map is appended to this inspection report.

Site 1 - The site is identified as a Former Tank Gunnery site and currently utilized as a MOUT site (Military Operations on Urbanized Terrain). The first location was approximately 100 feet from an access roadway. The site is a mock village used for urban training by the military. It is primarily composed of used shipping containers stacked to resemble housing and other village structures. There were some spent shell casings observed on the ground. It is recommended that the tenant undertake a systematic effort to remove spent shell casings in this area. The recommended time frame for these efforts is within the next one to two inspection cycles, or as soon as available resources permit.

Site 2 - The second location was a burn pan/mortar pit approximately 1,000 feet west of the Lava Road. The area was generally clear of any noticeable debris. There were some spent shell casings observed on the ground. It is recommended that the tenant undertake a systematic effort to remove spent shell casings in this area. The recommended time frame for these efforts is within the next one to two inspection cycles, or as soon as available resources permit.

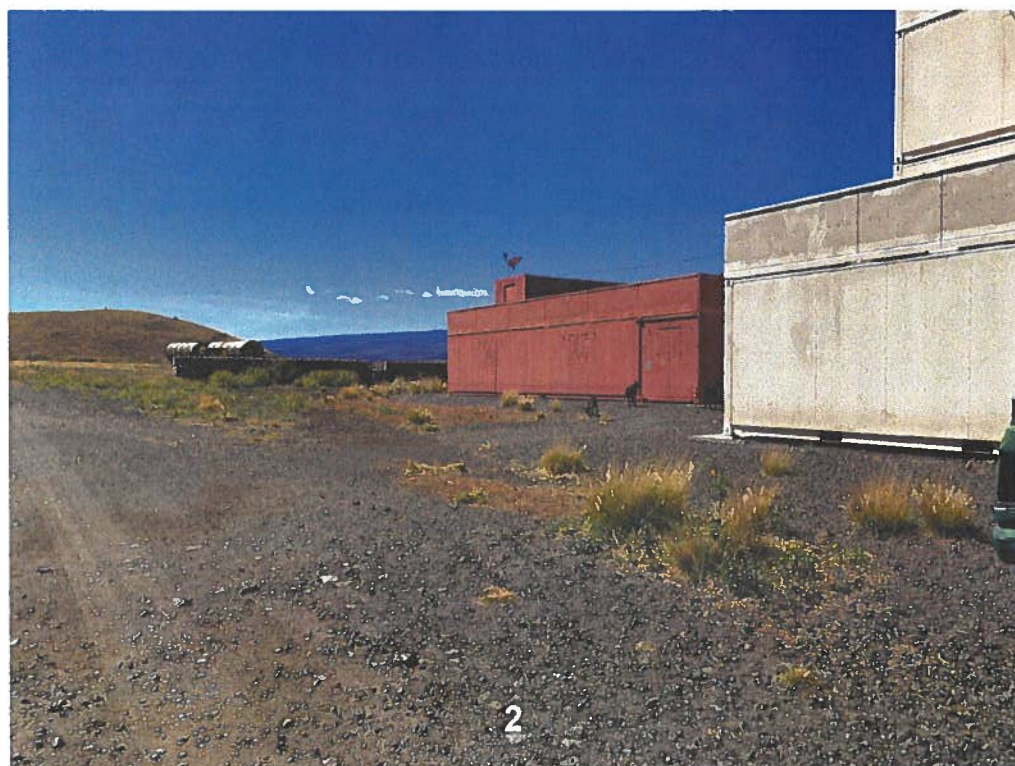
Site 3 - The third location was the former bazooka range adjacent to the junction of Lava Rd. and Kulua Rd. This secured area was previously inspected (12/18/19) and appears to have been well maintained. The elevated area used to view this location had a number of spent shells and a small amount of military debris in the vicinity. It is recommended that the tenant undertake a systematic effort to remove spent shell casings and other military debris in this area. The recommended time frame for these efforts is within the next one to two inspection cycles, or as soon as available resources permit.

Site 4 – The fourth site is at the northwest end of the lease and along the Lightning Trail roadway. This is an open area used as an artillery firing point. The area was clean with no visible ground disturbance. There were some spent shell casings observed on the ground. It is recommended that the tenant undertake a systematic effort to remove spent shell casings in this area. The recommended time frame for these efforts is within the next one to two inspection cycles, or as soon as available resources permit.

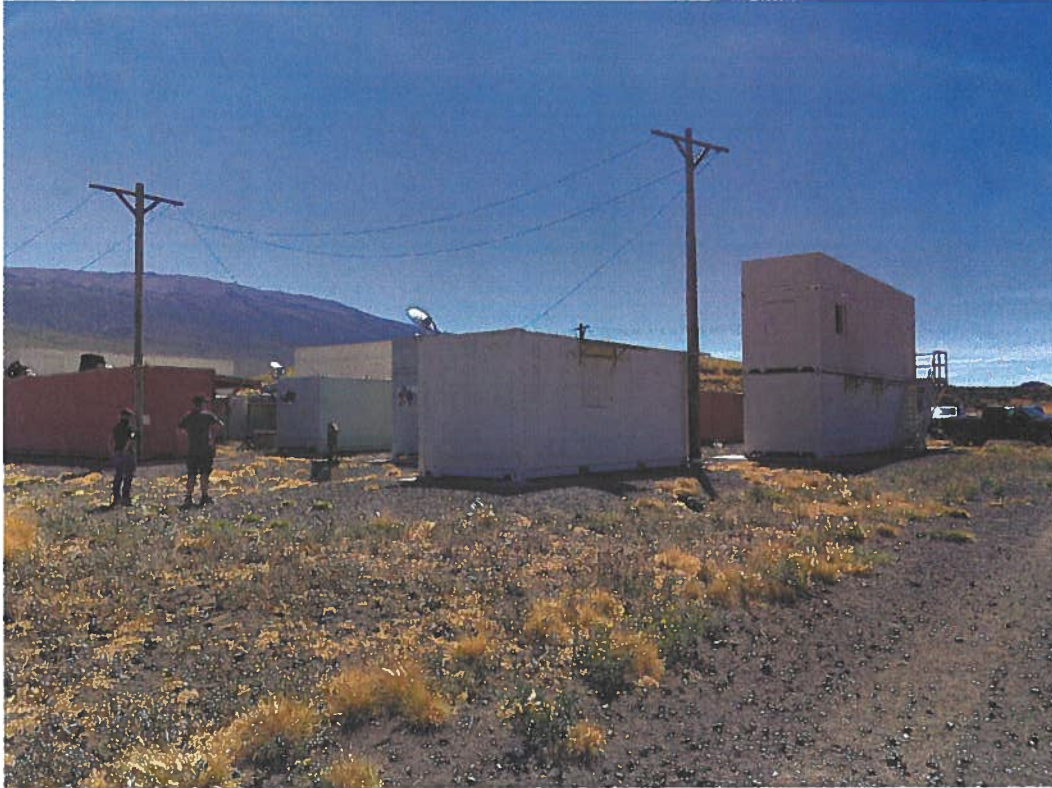
Site 5 - The fifth location is the former landfill site south of the Old Saddle Road and across from the PTA HQ. The landfill site has been decommissioned and capped with several feet of crushed rock material. The perimeter is completely fenced and there is monitoring equipment on site to measure any possible gas emissions. This area was clean and virtually free of trash or military debris.



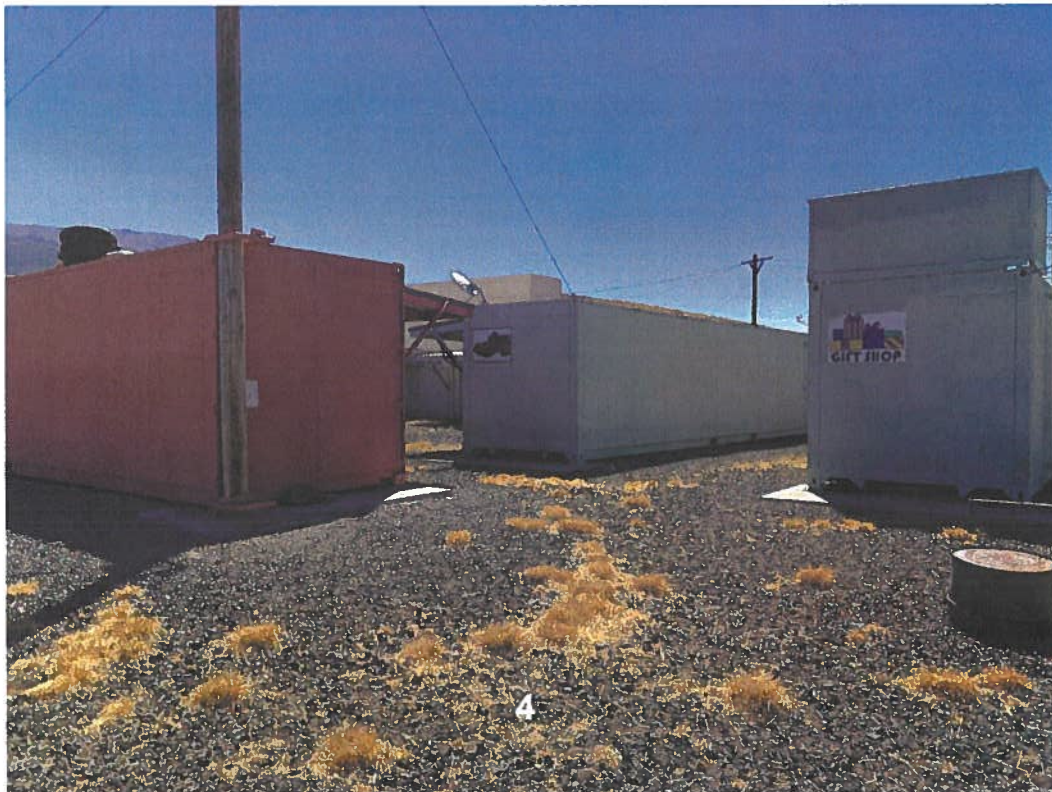
Site #1 - Former Tank Gunnery/ MOUT site



Site #1- Southwest view



Site #1 - Mock Village Setting



Site #1 - Mock Village Setting



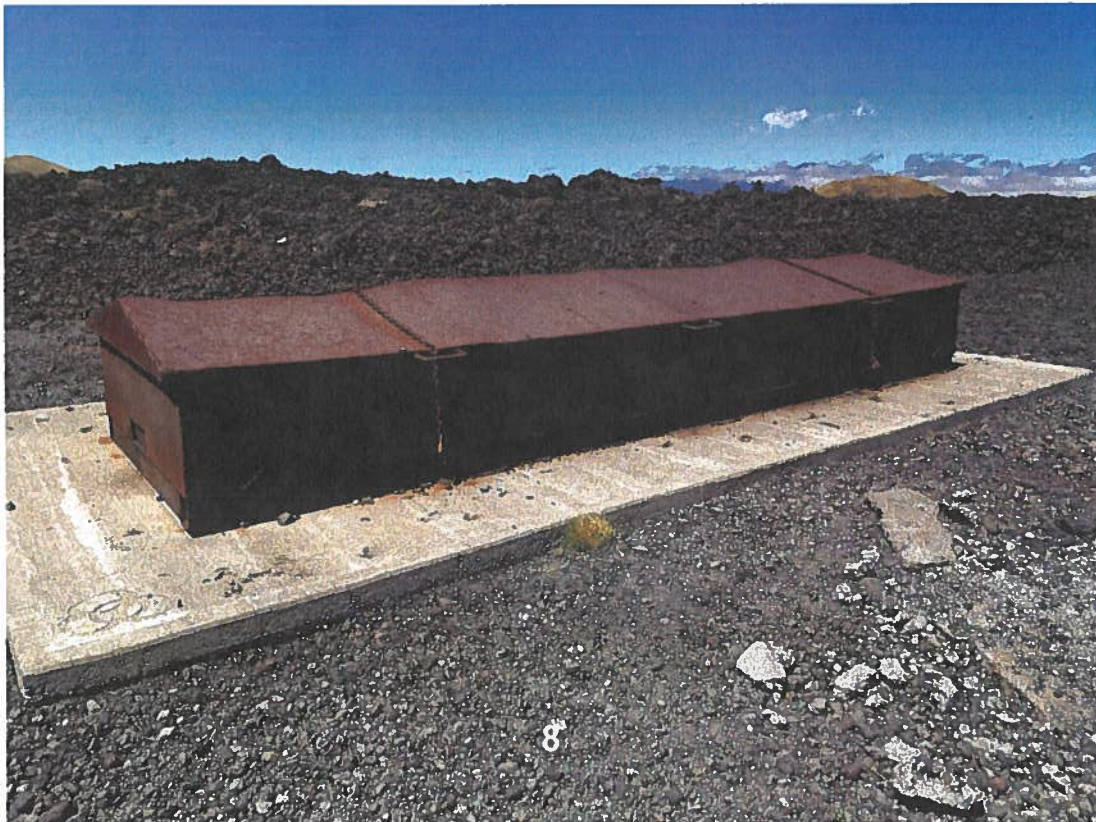
Site #2 Burn Pan / Mortar Pit



Site #2 Burn Pan (1)



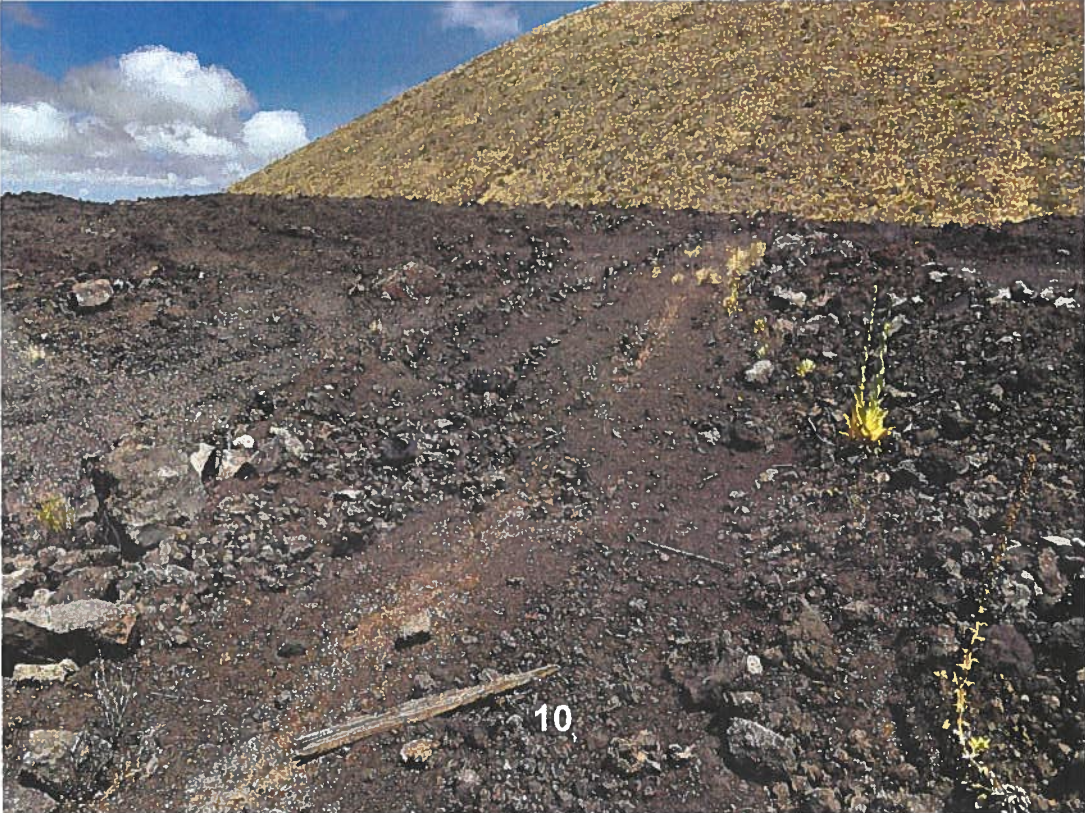
Site #2 Burn Pan (2) / Mortar Pit



Site #2 Burn Pan (2)



Site #3 Bazooka Range Entry Gate



Site #3 Bazooka Range Site



Site #4 400 Series Firing Points - Northeast view



Site #4 400 Series Firing Points - Southwest view



Site #5 Former Landfill – Gated Entrance



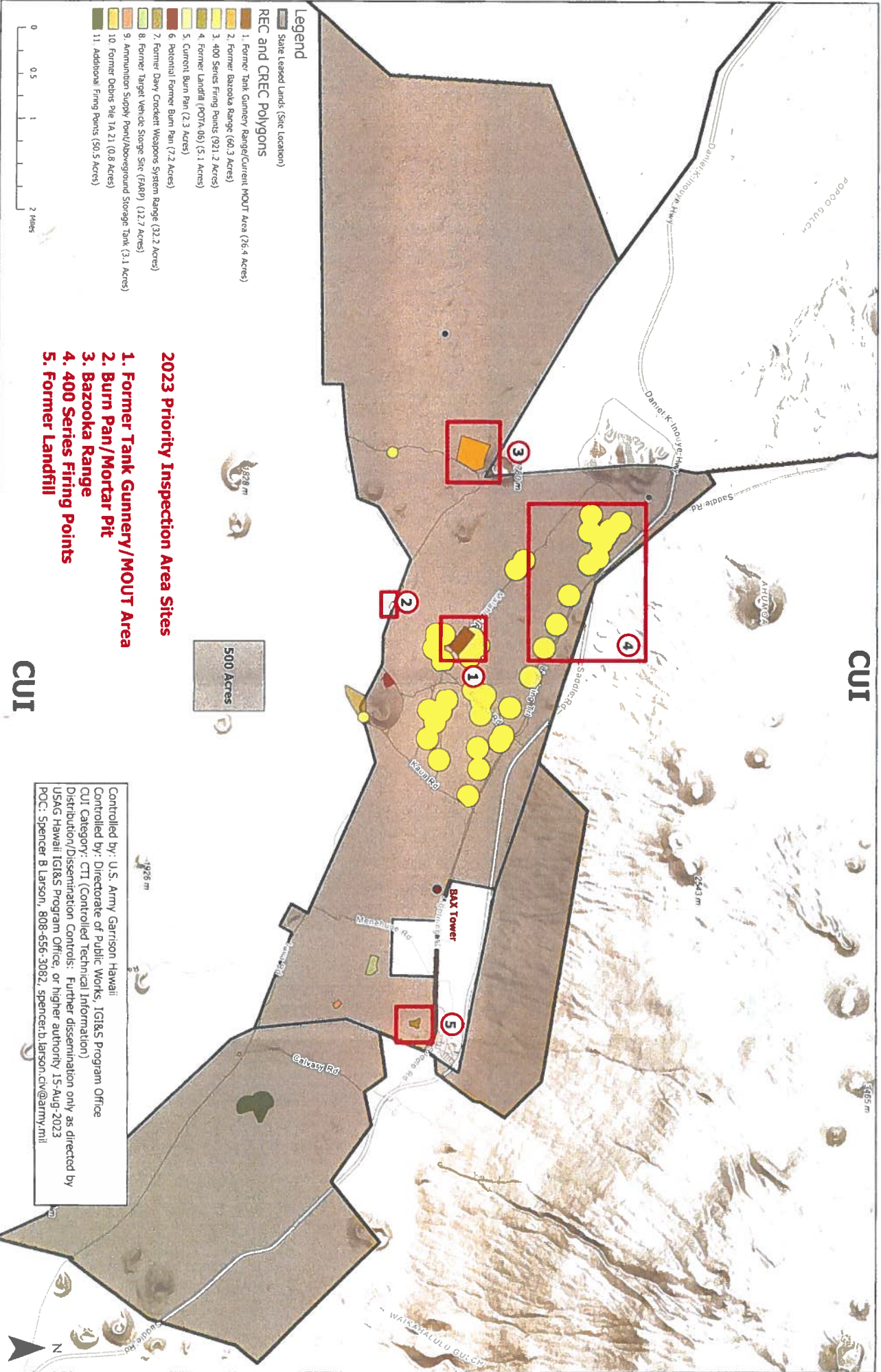
Site #5 Former Landfill – Interior View



Site #5 Former Landfill – Compressed Surface



Site #5 Former Landfill – Northeast View



Legend

- State Leased Lands (Site Location)
- REC and CREC Polygons**
- 1. Former Tank Gunnery Range/Current MOUT Area (76.4 Acres)
- 2. Former Bazooka Range (60.3 Acres)
- 3. 400 Series Firing Points (921.2 Acres)
- 4. Former Landfill (POTR-06) (5.1 Acres)
- 5. Current Burn Pan (2.3 Acres)
- 6. Potential Former Burn Pan (7.2 Acres)
- 7. Former Davy Crockett Weapons System Range (32.2 Acres)
- 8. Former Target Vehicle Storage Site (FARP) (12.7 Acres)
- 9. Ammunition Supply Pond/Background Storage Tank (3.1 Acres)
- 10. Former Debris Pile 1A 21 (0.8 Acres)
- 11. Additional Firing Points (50.5 Acres)



2023 Priority Inspection Area Sites

- 1. Former Tank Gunnery/MOUT Area**
- 2. Burn Pan/Mortar Pit**
- 3. Bazooka Range**
- 4. 400 Series Firing Points**
- 5. Former Landfill**

CUI

CUI

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 USAAG Hawaii IGIS Program Office, or higher authority 15-Aug-2023
 POC: Spencer B Larson, 808-656-3082, spencer.b.larson.civ@army.mil

Benedict L. Fuata
Veterans of Foreign Wars
Department of Hawaii
P.O. Box 7196
Hilo, Hawaii 96720
March 27, 2024

Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621,
Honolulu, Hawai'i 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area

Dear Chairperson Dawn Chang and members of the Board of Land and Natural Resources

I am writing to express my strong support for the U.S. Army's proposed retention of up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on the island of Hawai'i. As a concerned resident of Hawaii County as well as the Senior Vice Commander of the Veteran of Foreign Wars Department of Hawaii, and someone who recognizes the critical role that PTA plays in military training and preparedness, I believe that Army retention of PTA is essential for several reasons:

Military training at Pōhakuloa Training area (PTA) has been critical to National Security since World War II in preparation for battles across the Pacific. PTA's terrain, climate, and size is ideal for simulated real-world scenarios, joint exercises, and live-fire drills. If the Army is unable to retain this land, it will significantly impact the readiness of our military and our military's ability to train effectively in the Pacific.

PTA is critical for our military readiness to face real world complex challenges. It also allows our Hawai'i National Guard to train to be prepared to respond to natural disasters or hazardous events that impact the people of the State of Hawai'i.

Army retention of this land is vital for maintaining our national security and for the safety of the people of Hawai'i.

Thank you for considering these points. Please feel free to contact me if you need any further information or clarification.

Sincerely,



Benedict L. Fuata
Senior Vice Commander
Veterans of Foreign Wars
Department of Hawaii

From: [Keala Fung](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 10:31:09 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Keala Fung, Honolulu

From: [Terry Galpin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 6:20:27 PM

Aloha,

My name is Terry Galpin and I am currently the OHV Rep for Dirtbikes on Oahu. The Kahuku Dirtbike park is currently under the management of Ride HMA. The park, which is only open on weekends, has 400 acres within the Militarys lease of over 1000 acres which they use as a training ground.

RIDE HMA Kahuku Park is the ONLY legal place for riders to go on Oahu. RIDE HMA has well over 3000 active members and thousands more who participate in day riding here and there. This park has been designated as a dirtbike park for decades. If D2 were to move forward and the military were able to accomplish their overall goal, where then would the THOUSANDS of riders go?

As the OHV Rep, I speak for all our riders in strong opposition of D2. We ask that you reconsider this request from the military.

Mahalo,
Terry Galpin
OHV DIRTBIKE REPRESENTATIVE OAHU
808-372-8131

From: [Chelleigh Gambino](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 10:23:03 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

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Emily Gambino, Makawao, HI 96768

From: [Gambla](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] 12 April Meeting Agenda Item D2 Informational Briefing Update on the United States Army,,,uku...
Date: Wednesday, April 10, 2024 8:25:38 PM

Aloha,

Regarding the subject agenda item, Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai‘i and for Kahuku, Kawailoa-Poamoho, and Mākua Training Lands on the Island of O‘ahu; and the subsequent item relating to this, I vehemently oppose moving forward with any option other than to reclaim the State owned land currently leased to the U.S. Army and to not continue any further military actions on State property on the Big island.

I do not believe the U.S. Army has ever adhered to the original lease covenants regarding cleaning the spent or unspent ordnance. Before any appraisal is authorized, the Army must, at a minimum, rehabilitate and restore those areas that have in the past been damaged by their activities in accordance with the original agreement.

The Army is subject to the same laws as everyone else and should abide by the contractual obligations before any future deals are considered. Wouldn't you expect that from someone with whom you personally contracted? Wouldn't that be the prudent thing to do? Well, acting on behalf of the citizens, we would expect such due diligence on our behalf.

The Army has many options around the world for another site. It is best for the Army to consider their options since Big Island residents in particular, do not support further Army live fire activities. We have done our part. Now is the time for others to step up and/or for the Army to reduce their 'mission' and budget dare I say.

Mahalo,
Len Gambla
Papaikou, Hawaii

From: [S119-Kaipō'i Koa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 12:22:35 AM

I, Kawena Garcia, oppose D2.

Enough is enough already! Everyone in office since 1893 has steadily stolen everything from the people of Hawai'i. You folks have allowed foreigners to think they can take anything they want. You folks buckle under the wads of money offered. It needs to stop!

Hawai'i state politicians have a duty to protect our people and our home! You have been failing us. Millions have already moved away from the corruption. Moved from the only home they've ever known. Moved from where their ancestors were born and raised. It's time to make a change and start protecting the last of us here for once!

Kahuku is the only race track here in O'ahu. We should be proud we have so many amazing riders. We should be protecting these athletes and the spaces they need to fine tune and showcase their skills!

Besides our athletes, numerous family and friends love going to watch them. This is an important family pass time. Please don't allow this to be taken away. No matter what amount of money offered. You all have enough. We have almost nothing left.

Mahalo for listening. Please do the righteous thing.

This is a student email account managed by Hawaii Department Of Education School District. The contents of this email are governed by the laws of the state and the board policies of the school district.

Albert G. Gardner
77 W. Naauao St.
Hilo HI 96720
808 896 0423
March 28, 2024

Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621,
Honolulu, Hawai'i 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area

Dear Chairperson Dawn Chang and members of the Board of Land and Natural Resources

I am writing to express my strong support for the U.S. Army's proposed retention of up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on the island of Hawai'i. As a concerned citizen and someone who recognizes the critical role that PTA plays in military training and preparedness I believe that Army retention of PTA is essential for several reasons:

PTA is critical for our military readiness to face real world complex challenges.ⁱ It also allows our Hawai'i National Guard to train to be prepared to respond to natural disasters or hazardous events that impact the people of the State of Hawai'i.

Army Retention of PTA is beneficial to Hawai'i because it employs Hawai'i residents.

PTA has only two full time Active Army members employed at PTA. This is the Commander and the Command Sergeant Major. PTA employs residents who live on the East and West sides of Hawai'i County. The PTA Natural and Cultural Resources staff comprises over 30 professionals dedicated to preserving and protecting endangered and threatened plants and safeguarding cultural resources at PTA..ⁱⁱ In addition there are many more long time residents of Hawai'i Island who are federal civilian employees who have professional careers at PTA in the PTA's range control section, logistics section, Fire Department, Police Department, and other areas to support training operations at PTA and units that rotate through PTA for military training.

Thank you for considering these points. Please feel free to contact me if you need any further information or clarification.

Sincerely,

Albert G. Gardner

<https://www.usarpac.army.mil/Our-Story/Our-News/Article-Display/Article/3276591/training-lands-and-infrastructure-top-secretary-of-the-armys-visit-to-phakuloa/>

https://www.army.mil/article/256151/new_barracks_unveiled_at_pohakuloa_training_area

From: [Mrs Stacia Gary](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSITION TO PROPOSED LAND SWAPFOR MILITARY TRAINING AT PŌHAKULOA
Date: Thursday, April 11, 2024 3:07:36 AM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important .

STACIA GARY, KEAUHOU, HAWAII

[Sent from AOL on Android](#)

Lynn Gernert
94-536 Koaleo Street
Waipahu, HI 96797
7 April 2024

Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621,
Honolulu, Hawai'i 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area

Dear Chairperson Dawn Chang and members of the Board of Land and Natural Resources

I am writing to express my strong support for the U.S. Army's proposed retention of up to approximately 23,000 acres of state-owned land at Pōhakuloa Training Area (PTA) on the island of Hawai'i. As a concerned citizen and someone who recognizes the critical role that PTA plays in military training and preparedness, I believe that Army retention of PTA is essential for several reasons:

A. National Security

a. Military Training and National Security:

- i. Military training at Pōhakuloa Training area (PTA) has been critical to National Security since World War II in preparation for battles across the Pacific. PTA's terrain, climate, and size is ideal for simulated real-world scenarios, joint exercises, and live-fire drills. If the Army is unable to retain this land, it will significantly impact the readiness of our military and our military's ability to train effectively in the Pacific.
- ii. PTA is critical for our military readiness to face real world complex challenges. It also allows our Hawai'i National Guard to train to be prepared to respond to natural disasters or hazardous events that impact the people of the State of Hawai'i.
- iii. Army retention of this land is vital for maintaining our national security and for the safety of the people of Hawai'i.

b. High Altitude and desert like conditions:

- i. The high altitude, and desert like conditions of PTA provides rigorous training experiences that prepares our troops for this type of environment across the world. Similar terrain can be found in Asia, portions of Southeast Asia, West Africa, and the Middle East region where hybrid warfare threats to the United States of America exist.

c. Critical for the Hawai'i Army National Guard:

- i. Army Retention of PTA is critical for our Hawai'i National Guard training. PTA played and continues to play a critical role in training our own Hawai'i Army National Guard Troops. PTA was very instrumental in preparing our Guardsman for their deployments to Iraq and Afghanistan from 2004-2013, and 2023.

- ii. Training at PTA was also critical for our Hawai'i Guardsmen in preparation for their 2019 deployment to the Sinai in Egypt and to Kosovo. Under presidential orders, the Hawai'i Army National Guard continues to deploy our Hawai'i Soldiers across the world, with 8 Soldiers to West Africa in support of Operation Juniper Shield in 2023, and the 2-641 Aviation Regiment deployment to the Middle East in support of Operation Enduring Freedom - Spartan Shield in 2024.
- iii. Army Retention of PTA ensures that our Guardsman have the best training in preparation for their deployments into operational contingencies and combat zones.

B. Safety of Hawai'i

a. Hawai'i National Guard Support to Civil Authorities

- i. Army Retention of PTA is critical in keeping our Hawai'i Army National Guard Soldiers trained and ready for all hazards that threaten the safety of Hawai'i's people.
- ii. Throughout Hawai'i's history of Natural Disasters, the people of Hawai'i have relied on the Hawai'i National Guard and its component command, the Hawai'i Army National Guard to keep Hawai'i safe and to help mitigate the devastating effects of these disasters, such as Hurricane Iniki in 1992 and the numerous floods, wildfires, tropical storms, and other hurricanes threatening our island over the decades.
- iii. The Hawai'i National Guard has responded to threats to keep Hawai'i's people safe since its inception on November 17, 1852, in response to the Sailor's Riot in the Kingdom of Hawai'i. The Hawai'i National Guard has been instrumental in helping the state to mitigate the effects of the Kilauea eruption that devastated Leilani Estates in 2018. During that same year the Hawai'i National Guard assisted Kaua'i in response and recovery from devastating floods in the Hanapepe and Wainiha areas of Kaua'i's north shore. They also provided a statewide response to mitigate the COVID-19 virus from 2020-2022. The Hawaii National Guard supported the response and recovery efforts to the Lahaina Wildfire in 2023. The ability for them to be experts in their field requires challenging training. PTA offers such training.
- iv. The Hawai'i Army National Guard training at Pōhakuloa can be traced back to 1950, when the 487th Field Artillery Regiment, Hawai'i National Guard, began surveying the area for training. Since then, the Hawai'i Army National Guard continues to train at PTA to build leadership, operational, and planning skills within their units. These skills are necessary for effective response to Natural Disasters or other hazardous events.

b. Hawaii First Responder and law Enforcement Training

- i. Army Retention of Pōhakuloa Training Area (PTA) is important because it supports Hawai'i's First Responders. Training of our First Responders and law Enforcement personnel are critical to the safety of Hawaii. The Hawaii Police Department, Hawaii Civil Defense, Agency, State Office of Homeland Security, Hawaii, Emergency First Responders, and Hawaii Emergency

Management Agency has used Pōhakuloa Training Area to ensure they are ready to keep the People of Hawaii safe.

c. Mutual Aid Agreement with County of Hawai'i First Responders

- i. Army Retention of Pōhakuloa Training Area (PTA) is important because Army presence at PTA contributes to the safety of the Big Island Community.
- ii. The PTA has a long-standing partnership with community fire departments to keep the community safe. PTA and the County of Hawai'i have a mutual aid agreement that enhances emergency response capabilities on Hawai'i Island. The agreement allows the Army to respond to incidents on Daniel K. Inouye Highway as well as emergency services needed on Mauna Loa and Mauna Kea.
- iii. The PTA provides valuable emergency support to the community within a 500-square mile radius in the Saddle region and is often the first to arrive on scene for incidents on the Daniel K. Inouye Highway. In 2022, Army first responders at PTA responded to 121 emergency calls, ranging from lost hikers, wildland fires, Motor Vehicle Accidents (MVAs), to injured persons.
- iv. Army Retention of PTA is key to ensuring Army first responder assets continue to keep our people safe on Daniel K. Inouye Highway.

C. Economic impacts

a. Food security - The People's Republic of China's encroachment and devastating fishing practices:

- i. Army Retention of PTA is critical in keeping a free and open INDO-PACIFIC.
- ii. The People's Republic of China (PRC) has encroached into the Polynesian nations of Vanuatu, and Tonga. In Vanuatu, the PRC built the Luganville wharf with a dubious non-transparent \$US80 million loan, placing Vanuata at risk in a financially unsustainable high debt to the PRC. In Tonga, the PRC has funded projects that threatens the future of the Pacific nation.
- iii. While these projects may seem innocent and not affecting Hawai'i. These projects and agreements offer the PRC Control of these ports and unrestricted fishing access with their large fishing fleet. The PRC's Devastating Practices of using large long-range trawlers to catch everything in its path with no distinction of what it hauls in causing significant damage to our Pacific Ocean's Ecosystem.^{i,ii}
- iv. The PRC is seeking deeper access into the Pacific, one of the world's richest fishing grounds. Their fishing practices cause an imbalance to our Ocean's ecosystem and will cause hardship on Hawai'i's fishing industry, which will have a cascading negative impact on Hawai'i's local seafood culture and tourism industry.
- v. While most people will not make the subtle connection that Army retention of PTA and MMR keeps the PRC's encroachment and unregulated and devastating fishing practices at bay, United States diplomatic relations and security cooperation with our partners and allies in the pacific is key to limiting the reach of PRC's fishing trawlers into the Pacific. Maintaining excellent diplomatic relations and security cooperation with our allies and partners involves military training at PTA.
- vi. Our continued successful relationships with Japan, South Korea, Indonesia, Singapore, Taiwan, Philippines, Aotearoa (New Zealand), and Australia rely

on our ability to conduct military training with these nations in Hawai'i and in these training areas. Therefore, retention of PTA for military training is critical for security cooperation with our allies and partners and sends a message to the PRC that we will not sit by in Hawai'i and allow their fishing trawlers to reach into the Pacific and devastate one of major food sources of our people.

b. Impact on Hawai'i Island jobs.

- i. Army Retention of PTA is beneficial to Hawai'i because it employs Hawai'i residents.
- ii. PTA has only two full time Active Army members employed at PTA. This is the Commander and the Command Sergeant Major. PTA employs residents who live on the East and West sides of Hawai'i County. The PTA Natural and Cultural Resources staff comprises over 30 professionals dedicated to preserving and protecting endangered and threatened plants and safeguarding cultural resources at PTA. In addition, there are many more longtime residents of Hawai'i Island who are federal civilian employees who have professional careers at PTA in the PTA's range control section, logistics section, Fire Department, Police Department, and other areas to support training operations at PTA and units that rotate through PTA for military training.

D. Stewardship

a. Cultural Resources Management:

- i. Army Retention of PTA is critical because the Army provides expert archeological and cultural staff to catalog and preserve Hawaiian archeological and cultural sites.
- ii. PTA's rich cultural heritage deserves protection, and the Army's commitment to compliance and sustainability through its Integrated Cultural Resources Management Plans is laudable. USAG-PTA's Cultural Resources team conducts archaeological surveys of sites and monitor more than 35 archaeological sites for effects from troops and hoofed mammals, or ungulates, such as pigs and goats. The Cultural Resources team also preserves and ensures the protection of cultural shrines, habitation caves, burial sites, and pictographs that date as far back as the 15th century.

b. Environmental Stewardship:

- i. While various groups within Hawai'i oppose Army retention and site the Army's past activities such as the use of the Davy Crockett weapons system and sightings of old brass shell casings in some of the ranges, the facts indicate that the Army continues to improve its efforts to protect the environment at PTA and the surrounding areas. In addition, those who oppose Army Retention will say that the Army executes these environmental programs because the Army is mandated to do it, implying that the Army wouldn't do it if it wasn't mandated. Despite this rhetoric, Army Retention of PTA is critical to protect the diverse ecosystems with federal funding that will likely end if PTA is not retained by the Army.
- ii. PTA's 23,000 acres are home to diverse ecosystems, and the Army's efforts to minimize adverse environmental impacts are crucial for future

generations. In 2023, PTA was selected as one of 13 Military installations across the entire Department of Defense for the 2023 Readiness and Environmental Protection Integration (REPI) Challenge. This 2.6-million-dollar project (1.3 provided by REPI funds and 1.3 million in partner contributions) was for the Nāpu‘u Natural Resource Protection to mitigate rare plant impacts at PTA. Overall, Hawai‘i benefits from a total of \$28.5 million in DOD funds for REPI projects, emphasizing cultural and environmental preservation.

Thank you for considering these points. Please feel free to contact me if you need any further information or clarification.

Sincerely,

Lynn Gernert

ⁱⁱ Koehn, F. J. (2015). *Been There Done That Back to Hilo*. Hilo, Hawai‘i, United States of America: Lyman Museum and Mission House, (143,144)

ⁱⁱ <https://www.dvidshub.net/image/8098598/jpmrc-24-01>

ⁱⁱ <https://www.dvidshub.net/image/6533705/range-qualification-and-training-pohakuloa-training-area>

ⁱⁱ https://www.army.mil/article/269078/pta_continues_to_draw_dignitaries_due_to_critical_mission_in_the_pacific

ⁱⁱ <https://www.usarpac.army.mil/Our-Story/Our-News/Article-Display/Article/3276591/training-lands-and-infrastructure-top-secretary-of-the-armys-visit-to-phakuloa/>

ⁱⁱ <https://dod.hawaii.gov/blog/main/Hawai'i-army-national-guard-units-notified-about-upcoming-deployments/>

ⁱⁱ <https://www.staradvertiser.com/2024/01/10/Hawai'i-news/Hawai'i-national-guardsmen-to-join-west-africa-operation/>

ⁱⁱ <https://www.dvidshub.net/image/8267343/2nd-641st-aviation-soars-into-deployment-support-spartan-shield>

ⁱⁱ file:///C:/Users/mokao/OneDrive/Documents/26%20-%20BOOK%20PROJECTS/HISTORY%20OF%20HAWAII%20NATIONAL%20GUARD/p4013coll11_59.pdf

ⁱⁱ Dukas, N. B. (2020). *A Military History of Sovereign Hawai‘i (2020 Revised Edition ed.)*. San Francisco: Kaladar Books (134-136).

ⁱⁱ Koehn, F. J. (2015). *Been There Done That Back to Hilo*. Hilo, Hawai‘i, United States of America: Lyman Museum and Mission House, (143,144)

ⁱⁱ United States Army Pacific G3 Army Training Land Retention Office. (2023, October 27). U.S. Army Pacific brief to the State of Hawaii Board of Land and Natural Resources. U.S. Army Pacific. Honolulu, Hawaii, United States of America: U.S. Army Pacific

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- ii https://www.army.mil/article/254115/pohakuloa_firefighters_earn_top_honors
 - ii <https://www.dvidshub.net/news/433962/pohakuloa-training-area-first-responders-supporting-community>
 - ii <https://www.theguardian.com/world/2018/apr/11/baseless-rumours-why-talk-of-a-chinese-military-installation-in-vanuatu-misses-the-point>
 - ii <https://www.rnz.co.nz/international/programmes/datelinepacific/audio/2018639928/claims-china-wants-vanuatu-wharf-for-a-naval-base>
 - ii <https://www.rnz.co.nz/international/pacific-news/386924/vanuatu-s-luganville-wharf-geopolitically-risky-report>
 - ii <https://www.Hawai'ipublicradio.org/national-international/2019-07-10/chinas-largesse-in-tonga-threatens-future-of-pacific-nation>
 - ii <https://hongkongfp.com/2022/03/12/how-chinas-fishing-fleet-is-devastating-ecosystems-harming-poor-countries-and-contributing-to-conflict/>
 - ii <https://ipdefenseforum.com/2021/06/chinese-fishing-fleet-poses-threat-to-pacific-island-economies/>
 - ii <https://www.reuters.com/world/china/kiribatis-shock-withdrawal-overshadows-pacific-leaders-meeting-2022-07-11/>
 - ii <https://www.civilbeat.org/2021/05/Hawai'i-s-fisherman-are-worried-about-chinas-fleet-so-is-the-military/>
 - ii <https://ndupress.ndu.edu/Media/News/News-Article-View/Article/3197281/pivoting-the-joint-force-national-security-implications-of-illegal-unregulated/>
 - ii https://www.army.mil/article/256151/new_barracks_unveiled_at_pohakuloa_training_area
 - ii <https://aec.army.mil/preserve/ICRMP>
 - ii <https://www.dvidshub.net/image/3324806/archaeologists-preserve-cultural-resources-pohakuloa-training-area>
 - ii https://www.army.mil/article/55428/usag_hi_fellows_learn_about_ptas_natural_cultural_resources
 - ii <https://dlnr.Hawai'i.gov/blog/2023/01/30/nr23-16/>
 - ii <https://www.dvidshub.net/news/437581/pohakuloa-training-area-receives-department-defense-2023-repi-challenge-funding>
 - ii https://www.army.mil/article/263655/pohakuloa_training_area_receives_department_of_defense_2023_repi_challenge_funding

From: [nawai glushenko](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony of item D-2
Date: Wednesday, April 10, 2024 8:18:27 PM

Hi there. My name is Nawai Glushenko and I would like to submit a tes I am a member of the Kahuku Motocross Park. Myself and my family of 5 are in strong opposition against item D-2 of the sale of Kahuku military training area to the United States Army. Myself and my family strongly disagree with this. the Kahuku Motocross Park was a place where my family and I have had countless good memories, met new friends and made family. this is also the only place that is legal to operate an offroad motorcycle and I wouldnt want that taken away from me and my family or even wish that on anyone. Please reconsider this decision because this park is my life. This place is where ive gotten my first broken bones, first thrill rush, and even first trophies from competitions. its so special to me and my family that we even volunteer for race events or even park events in general because we love this park more than anything. And im sure that many others who are members of the park agree with me on this subject. I think that it is best to keep the current lease of land in the Kahuku area regarding my explanation. In conclusion, I hope you take this subject seriously in regards of my testimony.

Thank You

-Nawai

From: [N K Gomes](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 8:05:41 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Your Name, Town

Sent from my iPhone

From: [Aja Oona Grande](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I oppose D-2 (for DLNR Board Submittals 4/10/2024)
Date: Wednesday, April 10, 2024 9:15:58 PM

Aloha kākou BLNR,

I am a resident and intergenerational descendant of Hawaii. I stand for aloha 'āina, mālama 'āina, and 'āina momona.

I vehemently oppose D-2 (<https://dlnr.hawaii.gov/wp-content/uploads/2024/04/D-2.pdf>) in the Land Board Submittals 4/12/24 BLNR meeting.

Please stop the U.S. military from purchasing Pohakuloa, Kahukuk, Kawailoa and Mākua.

Mahalo,
Aja Grande

From: [dee green](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Agenda item D. 2.
Date: Wednesday, April 10, 2024 6:06:46 PM

Aloha,

I am submitting testimony in strong opposition to item D. 2. in your agenda for the April 12, 2024 meeting of the BLNR as stated below:

D. LAND DIVISION 2.

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007.

First, we should not automatically assume these leases should be extended. In a Hawai'i Supreme Court decision in 2019, it was decided that the State must "take an active role in preserving trust property and may not passively allow (trust lands) to fall into ruin."

This certainly must include not allowing the Military to exchange, change or continue any leases they have not fulfilled completely as a part of their lease requirement. Including leases that state they must "remove and deactivate all live or blank ammunition upon completion of a training exercise or prior to entry" and to actively work to prevent unnecessary damage to natural resources that they have failed to execute throughout the term of the lease.

BLNR has a responsibility to work in the best interest of the people of Hawai'i.

Thank you
Dee Green

From: [Regina Gregory](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D-2, 4/12/24
Date: Wednesday, April 10, 2024 10:23:06 AM

Re: Item D-2, BLNR meeting of April 12, 2024

1. Military training is extremely harmful to our land and natural resources.
2. The fair market value—given the nature of contaminated land wedged between active military training areas—is likely to be very low, and you will get little in return.
3. On Oahu especially, the goal should be to reduce the Army's enormous footprint. The leased lands should be cleaned up and vacated by 2029.

Regina Gregory

From: [Heejung Woo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 12:11:02 AM

I, Heejung White, oppose D2.

From: [Kristin Hamada](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-2 testimony
Date: Wednesday, April 10, 2024 7:43:01 PM

Don't sell land to the military. All they do is ruin everything around it. All the water and land by bases get completely ruined. They have no care for the people of this land or the land and water itself. Do not sell land to military.

Mahalo for your time.

Kristin Hamada

From: [Elizabeth Hansen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:46:08 PM

Aloha Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Elizabeth Hansen
Hakalau HI 96710

From: erica@ericaharmonlcsw.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on D2
Date: Thursday, April 11, 2024 2:25:21 AM

As a therapist, I treat people with anxiety, depression, and many other mental health needs. One of the largest sources of these problems, especially for native Hawaiians, is the economic and spiritual stress caused by ongoing selling and inaccessibility to native lands.

Please reject item D-2 to prevent the US military from buying and polluting more native land away from the Hawaiians who depend on it not only for their financial livelihood, but also for their emotional and physical well-being.

Respectfully,
Erica Harmon, MSW, LCSW

From: [Sierra Hethcote](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 2:09:40 AM

I, Sierra Hethcote, oppose D2.

Sent from my iPhone

From: [Zahz HewLen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Pohakuloa
Date: Wednesday, April 10, 2024 11:42:39 PM

D. LAND DIVISION

2. Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pohakuloa Training Area on the Island of Hawai'i and for Kahuku, Kawailoa-Poamoho, and Makua Training Lands on the Island of O'ahu;

And

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007.

The US military has abused their \$1 per year lease at pohakuloa. They have been building permanent structures as if to say "we aren't going anywhere". How are they supposed to return the land in its original state when they have made permanent alterations and built permanent improvements on it. This does not represent a balanced exchange in the slightest. End the lease, make them go through and clean up after themselves and use the land in a better higher way than war.

Mahalo!

Zahz HewLen, Candidate for Hawaii County Council District 7.

From: [Jaime Hoe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Stop the US military from purchasing Pōhakuloa, Kahuku, Kawailoa, and Mākua
Date: Wednesday, April 10, 2024 6:24:05 PM

Aloha,

I am writing to defend Hawaiian lands that are trying to be acquired by the US military. Pōhakuloa, Kahuku, Kawailoa, and Mākua have been over run by the US military for years and it is time to put these lands back in Hawaiian hands. I do not support or condone the ability for DNLR chair Dawn Chang to have any authority over what happens with these lands. These lands belong to Hawaiians and Hawai'i, not to cooperate profit, greed, and violence. I am born and raised in Hawai'i, I am Hawaiian and there should be no discussion about these lands being owned by foreign interest. I hope my message conveys the true disappointment I feel as I discover you decisions to repurchase this land, as this land deserves to be cared for by the people who are from it.

Mahalo,
Jaime Hoe

From: [Lauren Holomalia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony on item D-2
Date: Wednesday, April 10, 2024 6:39:39 PM

To Whom It May Concern:

As a concerned citizen, I vehemently oppose item D-2, which would open negotiations for the sale of Pōhakuloa, Mākua, Kahuku, and Kawaihoa. These lands hold immense cultural, ecological, and historical significance to our communities. Selling them off would not only disrespect our heritage but also jeopardize precious ecosystems and disrupt the delicate balance of our environment. I urge decision-makers to reconsider and protect these sacred lands for future generations.

Sincerely,
Lauren Holomalia
89-516 Nānākuli Avenue
Wai'anae, HI 96792

From: [Pua Hoomanawanui](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2 (Land Division)
Date: Wednesday, April 10, 2024 10:28:39 PM

I OPPOSE D2!

I am writing in opposition of the “land swap” of KTA or Kahuku Training Area in particular along with Pohakuloa, Kawaihoa and Makua in which the Military is trying to obtain!

A little backstory:

In 1973, a group of Motocross enthusiasts got together to obtain a parcel of land to legally hold Motocross races and provide a safe, family oriented and enjoyable experience in the sport of Motocross.

This sacred and precious place is known as Wai’ale’e State Park, aka Kahuku Motocross Park, aka Kahuku Training Area (KTA).

Currently HMA (Hawaii Motocross Association) occupies around 400+ acres through a sub-lease with the Military. Throughout the years, we have lost over 100 acres in these mountains, taking away the best trail riding there were due to Military needs.

One of those enthusiast is the late, Adelaide “Frenchy” DeSoto! Her son John DeSoto, known to many in the Motocross Industry and World as the “Flyin Hawaiian” won National championships at the highest level, is an inductee to the American Motorcyclist Association (AMA) Hall of Fame and a Motocross pioneer! Uncle John later served as our City Councilman for the maximum four (4) terms.

Fast forward to the mid to late 80’s early 90’s...

My brother and I started racing Motocross, my brother first and the myself! A timeline in short:

1987: my Dad (Melvin Ho’omanawanui) was elected as a Board Member of HMA, Hawaii Motorsports Association.

1992: he became President and held office until 2002, flying back and forth to Kona, where my parents decided would be there retirement home.

2004: Asked by the board of HMA to return and serve as President. This term lasted until 2010

Serving the Motocross community for over two (2) decades, Mel made contact with DLNR for funding, was a OHV Rep for the State, worked with the Military and DLNR for scheduling, helped to solidify land with land management for Motocross tracks on the islands of Maui and Kauai and promoted races via HMA to kickstart the outer island clubs, let alone, run and manage his own club! Doing all of this while serving as a Firefighter III stationed at Kaka’ako Fire Station before retiring in 1995. Some of his many accomplishments.

As you can see, KTA or as we know it, Kahuku Motocross Track is my playground, in my blood. I myself have poured a lot of blood, sweat and tears at this sacred place I consider my second home! I have sat as an HMA Rep with DLNR and met with Military personnel to

accommodate schedules for this particular parcel (KTA) in 2016-2017 following in my fathers footsteps.

I would really appreciate if the Board of Land and Natural Resources would take into consideration the testimonies of those who wish to speak out on this matter.

WE OPPOSE D2

Mahalo,
Pua Hoomanawanui
topnotch_259@yahoo.com
(808) 253-9765

From: [Jessie Horin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2 - object
Date: Wednesday, April 10, 2024 8:38:43 PM

I oppose D2.

Especially Kahuku training ground. As a member of Ride HMA - Hawaii Motorsports - Kahuku is the only sanctioned riding , training, track and trail facility for motorsports on Oahu.

Kahuku motocross park is such a valuable community asset enjoyed by so many members of our community. Please oppose the sale and keep this incredible slice of paradise available for community use.

Sincerely,

Jessica Horin - resident of Sunset Beach, Oahu

Sent from my iPhone

From: [Jennifer Au Hoy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:12:31 PM

OPPOSE D2

My son is an Mx dirt bike racer. He is 11. He started during the pandemic. We have meet many people through this community At Kahuku Mx Track who we now spend every Sunday with at the track from open to close.

The track is the only place on the island my son and his dad, also grew up riding and racing at Kahuku through his children and early adulthood, can go an ride safely and race once a month. His dad was a top racer in his day and shares his memories of going to kahuku every week and racing. Which allowed him to even qualify and compete in the mainland.

It would be a shame to take this away. Where would we take our keiki?? How would they learn to ride safely?

To close kahuku Mx track would be devastating to such an awesome community and our keiki and their future.

Mahalo MX mom!

Sent from my iPhone

From: [Michaela Ikeuchi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Item D-11
Date: Wednesday, April 10, 2024 10:04:45 PM

Aloha,

My name is Michaela Ikeuchi, I am a constituent of Hawai'i Island (and a native Hawaiian), and I strongly oppose the U.S. Army being granted fee titles of State owned parcels currently leased to the army. Not only does this directly oppose Hawaiian values of caring for the land and treating it with respect, but the U.S. Army has consistently demonstrated over and over again that they are irresponsible, unethical stewards of our land. I cannot believe that in 2024, we are not doing more to oppose the army's use of Hawaiian lands, especially when our lands are being used to bomb, destroy, and test out tactics that will be used to commit genocide against fellow indigenous people overseas. I cannot stress enough how tired the Hawaiian community is of American colonization and imperialism, and giving more lands to the army is a grossly negligent step in the wrong direction.

Mahalo for listening,
Michaela Ikeuchi

From: [Waimakalani Iona](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:00:59 PM

Dear Members of the Department of Land and Natural Resources, I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare. A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Auntie Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Sincerely,
Sheryl Iona
Kailua-Kona, HI

From: [Micah Joaquin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:01:02 PM

I OPPOSE D2 !

As a local resident of Oahu and a local dirt bike rider, I feel as if everything is getting taken away, sold, or banned. Please dont sell kahuku, thats one place we all can spend a day there and hangout with everyone.

From: [fran kahale](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:33:51 PM

I oppose D2!!!

Kahuku has been apart of my childhood growing up
And so has it been for my son growing up, generations after generations have had kahuku
motocross park to legally ride dirtbikes!! If you guys keep taking away things to do for our
future generations to come, what do we have left for them to do? Kids on drugs? Kids
robbing? Kids ending up in gangs? Or even in jail!! Kahuku is a place we gather as a riding
community and we all are a tight knit riding family!! What more are they going to keep taking
away from the locals?!?? And I write this with lots of hurt, anger, and frustration being that
you guys don't care about no one else but yourselves!!

[Sent from Yahoo Mail for iPhone](#)

From: [nawahine kahoopii](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] A'ole to land swap with the military
Date: Thursday, April 11, 2024 1:04:03 AM

April 10, 2024

To the members of the DLNR,

I am writing on behalf of the Nawahine-Kaho'opi'i Ohana. We strongly oppose the proposed land swap for PTA. The military has yet to clean up the environmental disaster at the PTA site, and Kahoolawe remains uninhabitable. Our kupuna Aunty Maxine and Uncle Ku, who were forced to file a lawsuit to protect the aina, have yet to receive justice. The military refuses to correct their lawlessness, and the DLNR refuses to hold them accountable. This continual flaunting of the law has to stop.

The DLNR must scrap the idea of a land swap. Do your job! Put the preservation of the aina and the well-being of our people first. Clean up Pohakuloa and Kahoolawe and return them to the people of Hawaii.

Ola Na Moku,

Nawahine-Kaho'opi'i Ohana

Testimony on the Staff Submittal Regarding the United States Army Training Land Retention Efforts (Item D-2) on the April 12, 2024 BLNR Agenda

Date: 4/12/2024
To: Board of Land and Natural Resources
From: Kyle Kajihiro
Subject: OPPOSE an appraisal of the fair market value of Army-leased lands

Chair Chang and members of the Board of Land and Natural Resources

Aloha kākou. Thank you for the opportunity to testify. My name is Kyle Kajihiro. I live in Mō'ili'ili. I am an assistant professor in Ethnic Studies at the University of Hawai'i at Mānoa.

I strongly oppose the proposal to authorize the chair to undertake an appraisal of Army-leased lands on O'ahu and Hawai'i island.

The 'āina in question at Pōhakuloa, Kahuku, Poamoho, and Mākua are part of the Hawaiian trust lands and are not the state's private property. As affirmed by the Court in *Ching and Kahaulelio vs. Case*, the State has a trust obligation to mālama 'āina in accordance with the public trust doctrine:

The State of Hawaii is the trustee of these public lands in the public trust. The trustee of the public lands trust has the highest duty to preserve and maintain the trust lands. This duty is broadly coined in the concept of "malama 'aina"—to care for the land."

As trustees of these former Government and Crown Lands, BLNR cannot give away or trade what is not yours to give.

The Court found in *Ching and Kahaulelio vs. Case* that the military has consistently violated the terms of the lease. Furthermore, the court found that the State of Hawai'i failed in its fiduciary duty to enforce the terms of the lease on its tenant, the Army.

So, it is incomprehensible why DLNR would now propose this action at the request of the Army, the bad tenant which trashed the 'āina it leases from the State. Conducting an appraisal before the Army has cleaned up its contamination would be a grave dereliction of duty by this body. An appraisal of the leased 'āina at this time, after it has been contaminated with unexploded ordnance and toxins, would result in very low appraised monetary values (which are not the only kinds of value). And according to the following clause found in all four leases, a low appraised fair market value would allow the Army to walk away from its mess with no accountability:

The Government shall also remove weapons and shells used in connection with its training activities to the extent that a technical and economic capability exists and

provided that expenditures for removal of shells will not exceed the fair market value of the land.

More concerning, an appraisal begins a process for either condemning the land or swapping it for something else. Either would be unacceptable.

‘Āina Is Priceless

In Hawai‘i, Kānaka Maoli have maintained that *‘āina* exceeds in every way the western concept of *land*. *‘Āina* represents living kinship relationships between kānaka and their environment. Appraising the fair market value of this *‘āina* is as incomprehensible as trying to appraise the fair market value of one’s family.

Instead, I urge you to heed the *‘ōlelo no‘eau*: “He ali‘i ka *‘āina*; he kauwā ke kanaka.” The land is chief. The human is the servant. Ask yourself, what does this *‘āina* need? What is best for this *‘āina*? These questions should guide your decisions.

The proposed action before the BLNR would change *‘āina* into the commodity of *real estate*. This trick of abstraction is one of the insidious weapons settler colonial states use to alienate Indigenous peoples from their ancestral connections to the land. It is a violent act of severing ties between peoples and place.

A true appraisal of this *‘āina* would be incalculably high because it must include the cosmogony of creation of the *‘āina* and kānaka and of the elemental forces and life forms that animate the earth, sea, and sky of these places. It must include the lives of people who have lost *‘āina* or who have been prevented from practicing their culture on their ancestral *‘āina*. It must include the human and environmental costs of wars that were practiced on these lands and unleashed on other lands and peoples. In other words, this *‘āina* is priceless. An appraisal based on monetary value would only be an assault on the true value of these *‘āina*. For this reason, I urge you to vote against the proposed action. Thank you.

From: [Cheyenne Adams](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D-2
Date: Wednesday, April 10, 2024 8:49:28 PM

Aloha,

My name is Cheyenne kalama and I highly oppose item D-2. We should not be selling any land to US military. Time and time again the US military have destroyed and contaminated the Hawaiian Islands. Item D2 is a move in the wrong direction. Hawaiian lands should be returning to Hawaiians.

Again, I strongly oppose item D-2.

Kind Regards,

Cheyenne kalama

Sent from my iPhone

From: [shane.kalawaia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:54:24 PM

I oppose D2.

If they take the land might as well stop selling dirt bikes! The army has more than enough training ground to practice on!

From: [Sunaina Kale](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:25:03 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to Saddle Road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Sincerely,

Sunaina Keonaona Kale, Honolulu

From: [Martina Kamaka](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony agenda item D-land appraisal Makua
Date: Thursday, April 11, 2024 12:11:46 AM

Aloha members of the Board of Land and Natural Resources,

Mahalo for the opportunity to allow me to submit testimony. My name is Martina Kamaka and I am an Associate Professor at the John A. Burns School of Medicine who has been taking my students on yearly huaka'i (field trips) to Makua Valley. Over the years, my students and I have experienced, and learned about the significance of Makua to my ancestors. Makua Valley has a rich history and important lessons for today's students on the importance of connection to land and to healing of land. Makua represents the devastation of the decades of military training and bombing and also the promise of healing and return to the community to which she belongs.

I was distressed to hear of the plan to appraise Makua and other training sites in an effort to offer a land swap with the US military, specifically the US Army. I am concerned that this is simply being used as a way to avoid the responsibility of cleaning up the 'āina as they are obligated to do. I understand the lease is up around 2029 but the military's kuleana actually goes back to the original agreement from the 1940s; the agreement that stated that they would return the land within 6 months of the end of WWII and in the same condition that they received the land.

Surely, there is no way to really assess the value of these lands identified as they are currently damaged and poisoned, but were spiritually and physically valuable and thriving before military use. The pono thing is to clean up these sites and return them to our communities. The 'āina is our ancestor. We care for it and she cares for us. It is a reciprocal relationship. It is not a commodity that can be bought and sold with no thought as to its spiritual, historical, emotional and physical connections to kanaka maoli and our lahui.

Mahalo again for this opportunity to testify,
Martina Kamaka, MD
tinakamaka@gmail.com
808-692-1014

From: [Kapuakea I](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony: Oppose Military Purchase of Hawaiian Land
Date: Wednesday, April 10, 2024 9:43:46 PM

Aloha,

My name is Kapuakea Isaak. I am writing as testimony to oppose the US Military from purchasing Pohakuloa, Kahuku, Kawailoa, and Mākua, as well as any and all land that is a part of Hawai‘i.

The illegal occupation of the US military in Hawai‘i is one that we as k̄anaka always have and always will fight against. The desecration that the military violates our ‘āina and our people with is inexcusable, yet the military refuses to take any accountability.

While I am writing to oppose the military from purchasing land in Hawai‘i, I am also calling for an end to all leases that the military currently holds as well as a ban from creating any future leases.

The US military does not belong in Hawai‘i - now or ever.

Mahalo,
Kapuakea

From: [Kourtney Kawano](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Written testimony on Item D-2
Date: Wednesday, April 10, 2024 8:13:38 PM

Aloha,

My name is Kourtney Kawano. I am a wahine ‘Ōiwi born and raised here in Hawai‘i. I've lived primarily on O‘ahu and moku o Keawe, and it has always been a heart-wrenching sight for me to drive past Mākua Valley and Pōhakuloa and see the beauty of our ‘āina covered by barbed wired-fences and military outposts. Every time I hear about weapons testing on our lands by the U.S. military, it feels like a punch to my gut and a slap in the faces of my kūpuna.

I am providing written testimony on behalf of myself and future generations of Kanaka ‘Ōiwi who have an inherent right according to the United Nations Declaration on the Rights of Indigenous Peoples to protect their ancestral lands and defend their way of life. I strongly oppose Item D-2, which would further U.S. military occupation in Hawai‘i and contribute to environmental degradation in Pōhakuloa, Kahuku, Kawailoa, and Mākua. The army has demonstrated time and time again that it is not a good guest to Hawai‘i. They have polluted ‘āina and wai and rendered parts of Hawai‘i uninhabitable due to the presence of unexploded ordinances. While they insist their continued occupation is justifiable for the sake of national security, they have proven themselves incapable of protecting Indigenous livelihoods, biodiversity, and the health and wellbeing of Hawai‘i's people. In light of ongoing movements for aloha ‘āina and ‘ōiwi stewardship, Item D-2 is a step in the wrong direction.

I am also in opposition to granting the acting Chairperson with the sole authority to "negotiate, approve, and execute a contract for appraisal services to determine the fair market value" of Pōhakuloa, Kahuku, Kawailoa, and Mākua. This is a responsibility that rests with the Indigenous Peoples of this land as the rightful stewards and caretakers of Hawai'i since time immemorial; the state and board should recognize this reality and support Indigenous efforts opposing land retention by the U.S. army.

Mahalo,
Kourtney Kawano
Kanaka ‘Ōiwi

From: [Kaylaaa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:26:13 PM

I oppose D2!!!

Sent from my iPhone

From: [Kahilo Keller](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Vote no on agenda item D.2
Date: Wednesday, April 10, 2024 10:22:37 PM

Please vote no on agenda item D.2. I oppose giving authority to the Chair to negotiate a contract for an appraisal of military lands!

From: [Mary Lu Kelley](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 10:01:50 PM
Importance: High

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Do the right thing.

Thank you.
Mary Lu Kelley
Koloa, Kauai

From: [Ian Kennedy](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Pohakuloa land swap
Date: Wednesday, April 10, 2024 7:30:13 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Ian Kennedy, Moiliili

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From: [Kayla Keohokapu](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 11:38:28 PM

I, (Kayla keohokapu), oppose D2.

Sent from my iPhone

From: [koloau.palencia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:02:26 PM

I strongly oppose D2. I have been going to kahuku motocross track on the north shore of 'Oahu my entire life and it is the only legal and regulated location for us to ride dirt bike safely. I am devastated to find out that we could potentially no longer have access here. Please Do not allow item D2.

From: [N L](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:32:50 PM

Board of Land and Natural Resources,

I OPPOSE D2.

From: [Shawn James-Leavey](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] OPPOSE D-2 <<STOP SALE OF CROWN LANDS>>
Date: Wednesday, April 10, 2024 7:36:09 PM

THE **STRONGEST OPPOSITION** TO “ITEM D-2” ALIENATING AND SELLING OF THE CROWN LANDS OF PŌHAKULOĀ, MĀKUA, KAWAILOA AND KAHUKU. YOU GUYS ALREADY DOING THE DIRTY \$1 A YEAR LEASES MEANWHILE THE US MILITARY MAKES A MESS. WISE UP!!!!!! STOP THE CORRUPTION!!!!

Sent from my iPhone

From: angelaleslee@icloud.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Land Board Submittals - 4/12/24
Date: Monday, April 8, 2024 2:32:56 PM

This is regarding the meeting to be held 4/12/24, in which the board will decide if they will allow the US Government to 'drop their leases' on land use on Hawai'i island (Pohakuloa) and in Oahu. In exchange, they would like to pay "fair market value" to purchase the land thereby giving them full autonomy over how and when they will use it.

I strongly urge the Chairperson for the DLNR to reach out to the community to gauge their feelings about this, as it affects all of us who live here.

I personally, as a 30-year resident, feel strongly that we should not 'sell' the land for further military training and other use. At least with a lease they are somewhat accountable for what they are doing up there.

Please do not accept this offer from the US Government.

Much Aloha
Angela Leslee

From: [selah.levine](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D2
Date: Wednesday, April 10, 2024 8:20:23 PM

Aloha, I am a resident of the Hawaii island. I strongly oppose the state to enter into any negotiations to sell Pohakuloa, Makua, Kahuku, and Kawaihoa.

Mahalo

From: [Kekuamakana Lewis](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Aloha
Date: Wednesday, April 10, 2024 10:51:17 PM

Aloha Chairperson Chang and board members,

This testimony is to do with the United States Army land training retention efforts. Although not up for vote I strongly oppose this agenda of a land exchange involving the BLNR and state with the United States Military. This should not be up to a board or chairperson to make a decision that could impact the future of Hawai'i forever. Leasing land to the military in Hawai'i is already controversial but to exchange land with the military for permanent land ownership is now gonna become detrimental. This agenda should not be considered as an option to work out a deal with the Military. Our island land acquisitions are already being hindered from different variables. The state land is the people's land and we as the people should have a say on how it is utilized. Mahalo for your time on this matter.

Me ka ha'aha'a,

Makana Lewis

Sent from my iPhone



Colonel Debra M. Lewis (USA Ret.)
1065 Kuahiwi Place
Hilo, Hawaii 96720

Apr 9, 2024

Dawn Chang
Chairperson
Board of Land and Natural Resources
P.O. Box 621,
Honolulu, Hawaii 96809

Subject: Letter of Support for Army Land Retention at Pōhakuloa Training Area

Dear Chairperson Dawn Chang and the esteemed members of the Board of Land and Natural Resources,

Special Request. I am writing to seek your support to renew the lease for approximately 23,000 acres of state-owned land out of 133,000 acres dedicated to Pōhakuloa Training Area (PTA) on the island of Hawaii. As a concerned and caring citizen/community leader and someone who recognizes the critical role that PTA plays in our Nation's overall military training and preparedness, I want to express my strong support for the U.S. Army's proposed retention of the lands in question. I believe that Army retention of this state-owned parcel of PTA is essential for several reasons:

Strategic Importance of this land parcel and all of PTA. While we have a lot of history, we don't seem to learn much. In short, complacency kills. Your decision on the future control of this land is watched carefully locally to globally. While the majority of people in this world want to make a positive impact, there is a growing and strengthening force of evil who spend 24/7 trying to take away our freedoms or cause mayhem and destruction to undermine or deny what we have. I was in the Pentagon as a member of the Joint Staff Antiterrorism team on 9/11 and directly understand this threat and what it takes to prepare and defend against it. Just like the surprise attack on Pearl Harbor threatened our beautiful and remote Hawaii lands, every generation pays a price to adequately defend our way of life against those who want to take it away. Our military and our state and local agencies understand that freedom isn't free. Any decision you make will be unpopular with some groups, but at what cost do you want to add to these known risks? The ability to disrupt and harm our lives has grown much easier and prevalent than our past and present wars to include: local to global conflicts, and a multitude of players who engage in terrorist attacks and many other destructive acts. Quality training areas, like PTA, facilitate local to National coordination and skills in ways that adequately prepare those in uniform who may have to sacrifice their lives to protect our Nation, State and all citizens against subversive elements and future challenges. Additionally, an ongoing military presence at PTA helps to safeguard our precious island and the entire 133,000 acre training area lands. If not PTA, then who else has the deep pockets, talent, and capacity to provide the breadth, depth, and resources to manage and safeguard these lands on a daily basis?

Key Parcel. This parcel of the PTA lands is well-situated to take advantage of existing infrastructures to include access and support to State Route 200, Saddle Road known as the Daniel K. Inouye Highway, and the cantonment area initially constructed in 1955 serving all of the training currently conducted by PTA. Any changes to this current set-up will hinder or delay existing support to ensure the safety of the island and its citizens (fires, accidents, support to civil authorities, law enforcement, and more). In addition, it would require construction of new buildings and roads to perform the exact functions being handled today within this parcel.

While this parcel is only a small portion of the overall PTA lands and its buildings and roads can be duplicated on the remaining lands, the current cantonment area was strategically selected to offer the optimal access to the highway, an alternative airfield for possible tsunami impacts, and setup and use of the lands to continue the essential and unique training opportunities that safeguard our future. Wouldn't one who truly cares about our environment look for ways to continuously improve the partnership to manage existing lands and activities, rather than force PTA and our Nation to disturb additional PTA lands that currently have minimal permanent structures and at great cost?

Environmental Stewardship and Essential Partnerships. Strategic partnerships with sufficient resources are needed to properly manage the entire PTA land area and enhance our environment as our understanding grows. Only in the last half of the last century did we start to embrace better stewardship of our environment and to pay the price to undo past unhealthy practices. The US Army Corps of Engineers and military installations across the country have been leading the way. You will often find more endangered species on these lands than nearby private lands. Today, issues will continue to emerge globally to locally, where violations to National standards and laws are being addressed, such as septic tanks on our island. Even with limited resources, PTA staff and partners continue to invest millions of dollars and labor to provide ongoing oversight, making improvements and teaming up on projects to continuously monitor and improve the PTA habitat, while keeping the public, leaders, and others updated and part of the discussion. The entire PTA lands, to include this 23,000 acre parcel under consideration, require significant ongoing investments and monitoring to manage. In 2023, PTA was awarded more than \$1m in DoD funds to mitigate rare plant impacts at PTA. Who else could realistically do as well with a similar level of long-term commitment? The State? Any less talent and resource commitment than the military has already demonstrated will adversely impact these lands. Consider the previously State controlled Mauna Kea Recreation area. It was not until Hawaii County took over that area, did the park get the attention and resources it required to be properly maintained and operated in ways to showcase and be used fully by our citizens. Those in charge of the annual budgets of the State were not willing to take on the cost, resources, and attention for a small park. Think of the likelihood the State could handle an additional 23,000 acres forever. And while Hawaii County can do many things, it would not be equipped or resourced to take over 23,000 acres even if they wanted to, nor should it be responsible for this National Strategic Asset.

My Perspective as a West Point Pioneer, Combat Commander and Community Leader. I've experienced 34 years of challenging and changing military service as an Army engineer, to include commanding a \$2.1B engineer district in combat under some of the toughest conditions imaginable. Add to my experiences, nearly 12 years living on this true treasure of an island, involved in a number of non-profits to support our community and people, and invited multiple times to meet at PTA with other groups to educate and better our community. PTA leaders and our Nation's military consistently demonstrate a commitment to making PTA a place that saves lives and protects our freedoms. They achieve it with superb skill training and experiences found nowhere else in the world, along with the resources to take care of the land and work closely with others on emerging issues with the sensitivity needed to properly do so. While I've only touched on a few reasons why retention of these lands by PTA are in the best interest of Hawai'i Island, the state of Hawai'i and our Nation; they are vital.

Closing. Thank you for considering these points. For all of the reasons above and many more, I humbly and urgently seek your support. Please feel free to contact me if you need any further information or clarification at my cell# 571-332-7240 or my email lewisadams80@gmail.com if you have any further questions.

Debra M. Lewis

DEBRA M. LEWIS
COLONEL (USA Ret.), USMA '80
All American Hawai'i State Commander VFW 2021-2022
Chair, Hawai'i Island Veterans Day Parade

From: [Nanea Lo](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:20:55 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Nanea Lo, Mō‘ili‘ili, O‘ahu

Clare Loprinzi PO Box 828, Holualoa, Hi 96725

Meeting ID: 844 0060 6532

ZOOM LINK: <https://us06web.zoom.us/j/84400606532>

LIVE STREAM: <https://youtube.com/live/GeBFcLpUrxE>

9 am April 12th

On the day of the meeting at the start of the agenda item you wish to testify on, dial 1-669-444-9171 (Zoom); input the meeting ID: 844 0060 6532 and follow the prompts.

For the record I am speaking from the American Declaration on the Rights of Indigenous Peoples. Section Five Social, economic and property rights.

Article XXV Traditional forms of property and cultural survival

Right to land, territory and resources

Our Queen Liliuokalani never went to war and never signed a treaty. Hawaii is sovereign. The US military has no right to be on Hawaiian lands.

Aloha

O Clare Loprinzi kou inoa, noho au o Honokohauiki. I am indigenous practitioner living in Hawaii for almost 30 years. I come from the Moors who traveled to the Hawaiian Islands 2000 yrs ago. Mauna a Wakea is important and crucial to me and the babies, mamas n na ohana that I help ua hanau. It is a strong wahipana for us and essential for us to keep our customary traditional and cultural practices. All Hawaiian lands are Kapu. Have you done an EIS on these lands you want to desecrate? Are you aware of Article 12 Chapter 7 of the Hawaii State Constitution, " The State reaffirms and shall protect customary traditional and cultural practices." These lands are protected by our rights. You are not welcome to destruct our lands, our waters, our people.

The Military Industrial Complex RIMPAC War Games are desecrating our lands, our young soldiers, making money for the military , it is socioeconomic concept wherein businesses become entwined in social or political systems and institutions , creating, or bolstering a profit economy from these systems. President Eisenhower in 1961 warned the public of the nation's increasingly powerful military-industrial complex and the threat it posed to American democracy. Today, the United States routinely outspends every other country for military and defense expenditures. The US authorized \$ 842.4 billion for Department of Defense in 2024. Really? As our people are homeland, our lands already polluted by the military. When are you ever planning on stopping? We say now.

Hawaii lands are kapu, the war games in our islands desecrate our lands which are Kapu. You broke the aquifer in Kahoolawe, the military's "most shot island in the world" after the relentless attacks on island of Hawaii during and after WWII. These attacks came from the US Armed Forces, claiming that they needed an areas for target practice. Mauna a Wakea is burial grounds for na Iwi Kupuna. Depleted Uranium, bomber planes over our beaches, war games in our kai in on papahonua. This is not acceptable. This is not healthy for our young men and women. These war games bring in rape to not only our lands but the Military rape and take young girls and boys for the sex trade trafficking, a form of modern slavery with no accountability. 64% of the sex trafficking survivors identified as Native Hawaiian. The only way you take our children is by military planes and private planes, shameful.

The US Military is not welcome in our islands with such a violent past and now they want more lands to bomb and destruct? When you rape our mama (our land) it has a huge impact to the rape of our people. We as indigenous peoples have a right to our land, to our physical, mental and spiritual health. Our young and old soldiers will never be the same after the military colonizes their minds, injects them many vaccines and poisons into their bodies and mentally and spiritually damages them. PTSD, health effects and spiritual disconnecting will be something they carry for life. We demand you to stop destructing our lands, our peoples and our iwi kupuna.

Help rebuild Hawaii and the world. Stop the wars. Understand Aloha. Keep the military out of Hawaii. The US military Industrial Complex needs to understand peace and stop the raping of lands , children worldwide.

Me ka haahaa, Clare Loprinzi, Indigenous Practitioner

HO`OMANA PONO, LLC
Mamua Kānaka

Attn: Dawn Naomi S. Chang, Chair, BLNR
Members of BLNR

April 9, 2024

Re: Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1-001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4-015:008, 4-4-016:005. 7-1-004:007

We **STRONGLY OPPOSE** any authorization by the Chair or anyone else to subject our lands which are under military control to an “Appraisal Service[] to Determine ... Fair Market Value”.

First, with citation to the specific lands in question, the irreparable damage already done by the United States Military, could hardly be said to warrant any “fair market value”. Unexploded ordinances and the complete desecration of ancient `iwi burial sites, not to mention the pollution from uranium and other toxic substances from the ammunitions, makes a mockery out of the Military’s quest to subject said lands to “Fair Market Value” assessments. They can’t be serious.

Second, this request gives the appearance of attempting to cause the unnecessary delay in returning lands, that the U.S. Army has already signaled that it is willing to return to the State of Hawaii.

Lastly, **§5(f) & (e)** respectively, of the ***Hawaii Admissions Act*** states, in pertinent part:

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be brought by the

HO`OMANA PONO, LLC
Mamua Kānaka

United States. The schools and other educational institutions supported, in whole or in part out of such public trust shall forever remain under the exclusive control of said State; and no part of the proceeds or income from the lands granted under this Act shall be used for the support of any sectarian or denominational school, college, or university.

(e) Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States pursuant to subsections (c) and (d) of this section shall report to the President the facts regarding its continued need for such land or property, ***and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.***

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property, and the term "public lands and other public property" means, and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat. 750), ***or that have been acquired in exchange for lands or properties so ceded.***

Based upon the foregoing points, We find it offensive that the Military seeks to "Monetize" our Home Lands, which they have occupied since the Unlawful Overthrow of our Peaceful Nation.

Furthermore, please stop and think about the fact, that as this August body is seeking to consider this Military proposal, you are in effect continuing to give air time and efforts to the one entity who has so violated not just the Sovereignty of our Peaceful Nation but violated their own "Treaty of Reciprocity" with us.

Make no mistake, as ***Kānaka Ke O`iwi O Ko Pae `Aina, we have NOT and will NEVER acquiesce in the continued control of our Home Lands by these foreign invaders and usurpers of our Political Autonomy and Sovereignty of our Nation, the Nation of Hawaii.***

At this very moment in time, America purports itself to be a righteous purveyor of Democracy, Anti-Fascism and is the loudest voice on the World Stage against Russia's invasion of Ukraine, as well as threatening War with China should it invade Taiwan. Malcom X said it best: "American Democracy is nothing but disguised Hypocrisy!", just look at what happened to us.

Therefore, let us **NOT** continue to validate the illegitimate occupiers of our sovereign country. Instead, we should be **DEMANDING** that no more theatrics will be tolerated by the Military. Return our lands **NOW**.

HO`OMANA PONO, LLC
Mamua Kānaka

The military has no more of a right to seek “fair market value” over lands that it stole from our Monarchy and its citizens, than any thief has a right to recover the cost of stolen goods.

Please reject this “Assessment” request by the U.S. Army, and instead seek the unfettered return of our Home Lands to the rightful heirs, pursuant to §§(e), (f) & (g) of the ***Hawaii Admissions Act***. Mahalo Nunui.

De Mont Kalai Manaole

De MONT Kalai Manaole, Co-Manager
86-044 Hoaha St.
Wai`anae, HI 96792
(808) 726-5753
Email: Hoomanaponollc96792@gmail.com

From: [manuelmarin808](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 2:16:27 AM

I, (manuel marin), oppose D2.

Sent from my Verizon, Samsung Galaxy smartphone

From: [manuelmarin808](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:45:19 PM

Hello. I've just become aware of the state selling more land to the military. Over the years I've been taking my family to the kahuku dirtbike park. It's one of the only things me and my family look forward to when it is open and not closed for military training. Taking this park away would bring me and my family to tears, literally. We bond and spend actually quality time together away from all the phones and devices. Please do not consider selling what land we have left to us locals. Thank you.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Kawai Marks](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:09:54 PM

I OPPOSE. Keep Hawaiian lands in Hawaiian hands. I OPPOSE.

Signed,

Tyler Kawai Puna 'Okeola Marks

From: [Jalene-Ann Mastin](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to D2 Army Land Acquisition
Date: Wednesday, April 10, 2024 10:10:41 PM

Aloha,

I was just informed of the Army's proposal to purchase land on Oahu and Hawaii Island. Specifically, as a person of Hawaiian ancestry it disturbs me greatly that the State of Hawaii would even entertain the selling of our Aina to the Military.

Pohakuloa: This area is of special cultural significance to me, my Ohana and friends. The land is part of Madame Pele's realm and despite its continued degradation by the military, to sell the Army the land itself is shameful. Instead focus should be placed on clearing the area instead.

Makua: The beautiful Makua Valley is home to many native plants and animals. I was a little kid when the Army helicopters would fly over "Shacks Beach" and decimate Makua with the live gunfire. By selling/trading land with the Army, the State of Hawaii would be condoning their actions and continued desecration of my culture. A'ole!

Kahuku: My family and I are one of the thousands of members of The Hawaii Motosports Association (HMA). The HMA is the organization that oversees and maintains the off-road motorcycling area in Kahuku. Riding dirtbikes is a privilege that my family and I partake in as this area is the "ONLY" legal place to ride dirtbikes on the island of Oahu.

I have also witnessed firsthand the damage done to the land after military maneuvers are completed at Kahuku. Rubbish is left all over the place ie; MRE meal packages, ammunition cans, barbed wire, spent and unspent shell casings, nylon ropes, com wires, cargo parachutes et al. Significant efforts are then made by HMA members to clean up these items, when possible, to ensure the safety of park users.

Kawailoa-Poamoho: I reviewed the August 2021 EIS statement which noted that the military use the area for low altitude helicopter flight training. My concern would be that the area is a significant source of water for this island. With the lack of transparency with Red Hill, I am seriously concerned about lack of oversight should the land be sold to the Army.

In closing, I humbly ask that D2 be denied as these lands are very important to my family and the many citizens in this State. It is my personal opinion that the Army will not be good stewards of these lands. I do however support continued leasing of the land as I understand the important role the military plays in the protection of our country and also the oversight provided by the State of Hawaii.

Aloha ame Malama Ka Aina,

Jalene-Ann K. Mastin

Sent from my iPhone

From: [Jesse Mcb](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:09:40 PM

I oppose D2

To much land is being taken away we need to have more land given back.

Jesse McBrayer

From: [Respiratory and Environmental Disabilities Assoc of HI](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 11:11:41 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

B. A. McClintock, Honolulu

From: [Noe'ula McKeague](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Meeting 4/12/2024 9:00AM: Action Item D2
Date: Wednesday, April 10, 2024 8:52:11 PM

Aloha kākou,

My name is Noe'ula McKeague and I am writing today in regards to action item D2 on the agenda.

As a resident of Hawai'i Island, it is highly concerning that the BLNR is considering a land swap with the US Military for Pōhakuloa. The United States Military continuously desecrates and depletes the land at Pōhakuloa through their military training.

Within the last few years, multiple fires have been started by the militaries reckless training exercises that were conducted during hazardous weather conditions. These acts not only jeopardize the critically endangered plants and animals that reside in Pōhakuloa and the surrounding areas but also the lives of those who live downwind of their training area.

It is also pertinent to mention that the US Military has repeatedly failed their Environmental Impact Statements submitted to the State of Hawai'i regarding their use of Pōhakuloa.

The US Military's continued use of Pōhakuloa not only puts the health and safety of Hawai'i Island at risk, it also puts all of the people who live on this island at risk.

I write this testimony in opposition to action item D2.

Mahalo,
Noe'ula McKeague
Hilo, Resident

From: [mikeymike](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:14:21 PM

I OPPOSE D2!!!

Kahuku motorcross track is the ONLY legal place to ride dirtbike safely with my OHANA!!!

From: [HULI Hawai'i](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 11:14:38 PM

Dear Members of the Department of Land and Natural Resources,
HULI PAC strongly opposes this proposed land swap for military training activities at Pōhakuloa.

This should not be automatically assumed as a lease extension. Each property's current condition needs to be thoroughly evaluated. The Army should remove all unexploded ordinances or otherwise and rehabilitate and restore those areas that their activities have damaged. In addition, **a community process must be established** to determine the future use of these properties that best reflects the needs and desires of the community as a whole.

The BLNR and the State of Hawaii must seek a future for these lands that is in the **best interest of the people of Hawaii**. *This means significantly reducing or not leasing the land to the military because of their negligence.* The lease price in trade for environmental impact and damage to culturally significant landscapes is outrageous. Any negotiation is premature and inappropriate without a community process.

We strongly oppose the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant environmental and public safety risks.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to military personnel and civilians. Additionally, the proximity of these lands to the

saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state-leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, we are deeply troubled by the implications of the mālama ʻāina findings in the legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

We urge the Department of Land and Natural Resources to REJECT the proposed land swap for military training activities at Pōhakuloa. Instead, we implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Do not assume a lease extension, and establish a community process.

Thank you for considering our testimony on this important matter.

Maki Morinoue

HULI PAC

Hawai'i Island, Holualoa

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"The secret of change is to focus all of your energy not on fighting the old, but on building the new." ~ Socrates

HULI PAC - P.O. Box 168, Holualoa, HI. 96725 - www.hulihi.com

From: [Steven Mosk](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:21:50 PM

To our government representatives,

I strongly oppose D2. I am a veteran, a motorbike rider, an outdoors enthusiast, a born a raised kailua boy. I spend a lot of time with my family and friends enjoying the kahuku motorcross track and surrounding trails.

This isn't about me and my wants as much as it is for doing what is pono. Please understand and do what is right.

Respectfully,

Steven Mosk

From: [David Mulinix](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 8:56:47 PM

Dear Members of the Department of Land and Natural Resources, I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare. A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter. Your Name, Town

From: [Nancy Wassman](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-2
Date: Wednesday, April 10, 2024 10:28:45 PM

My testimony will be in opposition. Before any appraisal is authorized there must be a thorough evaluation of the current condition of each property AND the Army must remove all ordinance unexploded or otherwise AND rehabilitate and restore those areas that have in the past been damaged by their activities. In addition, there must be a community process established to determine the future use of these properties that best reflects the needs and desires of the community as a whole.

It should not be automatically assumed these leases will be extended. Setting a lease price amount via authorization of an appraisal is premature.

The BLNR and the State of Hawaii must seek out a future for these lands that's in the best interest of the people of Hawaii.

To be clear- We need to be shrinking the US military footprint in our islands and around the globe, not expanding it.

[Click to access Agenda-240412.pdf](#)

Testimony should reference the below agenda item:

D. LAND DIVISION

2. Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai'i and for Kahuku, Kawailoa-Poamoho, and Mākua Training Lands on the Island of O'ahu;

And

Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1- 001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4- 015:008, 4-4-016:005. 7-1-004:007. **Sent from my iPhone**
Nancy Wassman

From: [Blair Nahale-smith](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:00:13 PM

I am in strong opposition of D2

From: [Alohi Nakachi](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:17:46 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Please add me to the zoom registration for zoom testimony as well.

‘Alohi Nakachi, Kona Hawai‘i

From: [Tiffany Nerveza](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Oppose Item D-2
Date: Wednesday, April 10, 2024 6:05:49 PM

I am emailing in opposition of Item D-2.

T. Leilani Nerveza-Clark

Easy to spot a yellow car when you are always thinking of a yellow car.
Easy to spot an opportunity when you are always thinking of opportunity.
Easy to spot reasons to be mad when you are always thinking of being mad.
You become what you constantly think about. Mind your mind.

From: [NKPHomestead](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:59:38 PM

I strongly oppose D2

From: [Dennis O'Shea](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:13:07 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

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A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Dennis O'Shea
Lahaina
formerly of the Big Island

From: [Madison Owens](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 8:01:35 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Madison Owens

From: [Koohan Paik-Mander](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] April 12, 2024 meeting of BLNR - No Retention of Land by the Pentagon!
Date: Wednesday, April 10, 2024 7:57:40 PM

Honorable Members of the Bureau of Land & Natural Resources,

In 1959, when Hawaii transitioned from being a colonial territory to a state, the idea was that it would provide Hawaii's people with democratic representation. Given that Hawaii is still a U.S. state, it is absolutely out of the question that the people of Hawaii be excluded from the decisionmaking process for the usage of lands leased by the Pentagon on Oahu, Maui and Hawaii Island.

The people of Hawaii (and the world) do NOT want an increase in Hawaii's military footprint! Those lands must be cleaned up and returned to serve the people of Hawaii, not dedicated to the fool's agenda of retaining hegemony against China -- no matter how profitable it is for Lockheed-Martin or Elon Musk, who, as you may have heard, wants to put chips in everyone's brains and ship humanity to Mars! Clearly, military decisions are being made these days by NUTJOBS.

DEMILITARIZE THE ALOHA STATE!
Restore and return the land to the Kanaka Maoli!
Diplomacy, not Warmongering!

What do we look like, the West Bank?
A livable future is more valuable than the stock prices of Lockheed, Nvidia, Raytheon, et al.

Koohan Paik-Mander

--

"If we make no effort to change direction, we will end up where we are heading."
-- Chinese Proverb

From: [NK TeixeiraPalencia](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:58:30 PM

To whom it may concern,
I strongly oppose D2. I think it is extremely hurtful to the local people of Hawaii if you move forward with this item. I am born and raised here in Hawai'i and it breaks my heart to see the state of Hawaii even consider allowing this much of our land (that we can't even provide to our own people) go to the US military. We will no longer have access to these places, some of which have cultural significant and history to native Hawaiians like me.

From: [Nathan Palmore](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:32:00 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Nathan Palmore, Kapolei

From: [Mandy Papaa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:14:02 PM

OPPOSE D2

Sent from my iPhone

From: [Cheziree Ashlynn Pascual](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:18:20 PM

I OPPOSE D2!!

Kahuku Motocross Park is where I learned how to ride my dirt bike in a LEGAL & SAFE environment. I would like to see this place stay for many more generations to come!

From: [Zoe](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL]
Date: Thursday, April 11, 2024 2:29:19 AM

Department Members of the Department of Land and Natural Resources,

I am writing in strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal poses obvious and significant risks to both the environment and public safety.

The risks this proposal poses are unnecessary and unacceptable. We must prioritize public safety, knowing what we know.

It is also evident that the military has failed to comply with the lease the proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. This should not stand.

I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations.

I really hope your decision is ultimately aligned with people and aina.

Zoe Pastorflied-Li, Wahiawa

From: [Eden Marie Peart](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] I Oppose land swap at Pohakuloa
Date: Wednesday, April 10, 2024 7:44:04 PM

The army must be held accountable for regenerating land on Hawaii Island that they've already despoiled.

Eden Marie Peart
PO Box 764
Kapaa, HI. 96746

Sent from my iPhone

From: [Steve Petyerak](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 8:49:28 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Steve P

From: [Mikala P](#)
To: [DLNR.BLNR.Testimony](#)
Cc: CARMZZ84@gmail.com
Subject: [EXTERNAL]
Date: Wednesday, April 10, 2024 3:14:45 PM

As a lifelong inhabitant of Waiʻanae and a guardian of Hawaiian language and culture, my bond with the land and its people is as profound as the roots of the coconut trees my ancestors planted in the valley. My existence is seamlessly woven with the ethos of aloha ʻāina, a profound love and respect for the land that sustains our bodies, spirits, and cultural legacy. Within this ethos, Mākua Valley's sanctity to the kanaka maoli, Hawaii's indigenous people, is immeasurable. This land is more than soil and water; it's a revered ancestor, a fountain of wisdom, and a hallowed place nurtured by our people through the ages.

The discussion in agenda item D-2 of the upcoming BLNR meeting, proposing the assessment and potential exchange of Mākua Valley's ceded lands, is not only deeply concerning but a stark disrespect to the kanaka maoli. Subjected to decades of military misuse, these lands possess an invaluable significance that far surpasses any conceivable monetary estimate. The spiritual and cultural essence of Mākua Valley to the kanaka maoli eclipses any attempt at financial valuation, making the idea of trading these sacred grounds a grave violation of our duty as custodians of this ʻāina.

In my role as an educator, I am honored to pass down the wisdom of our forebears and the importance of our revered sites to our youth. Mākua Valley, steeped in history and cultural importance, is a living classroom where lessons of resilience, guardianship, and the intricate bond between land and identity are imparted. The suggested change in the destiny of this land poses a threat not only to the valley's environmental health but also to the very core of our cultural inheritance and educational principles.

The agreement reached over 80 years ago, which committed to returning these lands in their original state post-World War II, must be upheld. The military's current push for a land appraisal in anticipation of an exchange disregards Mākua Valley's unique and irreplaceable value and overlooks our community's dedicated commitment to safeguarding our sacred spaces. This land was never intended for negotiation. It was lent to the military under clear terms—a trust now compromised by years of neglect and the looming risk of irreversible loss.

I unequivocally oppose the evaluation and possible trade of Mākua Valley. My plea is for the reclamation of these lands to their pristine condition, as originally promised. This cause transcends legal obligations; it's about honoring the sanctity of the land and its guardians across generations. Our kuleana, or responsibility, is to ensure Mākua Valley's preservation for the future, enabling them to draw wisdom, sustenance, and spiritual connection from their cultural and ancestral heritage.

As we gear up to voice our testimonies, let's harness the power of our collective unity and the strength of our voices in defense of what is just and right. It's our obligation to hold the military accountable and demand the respect our land, culture, and people rightfully deserve. May Mākua Valley stand as a symbol of our resilience, our profound love for our

'āina, and our unwavering dedication to protecting the sanctity of our cherished places.

'Au'a 'ia!

From: [Marisa Plemer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Thursday, April 11, 2024 12:17:15 AM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Marisa Mia Plemer, Haleiwa

Sent from my iPhone

From: [Jessica Quevido](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 11:32:18 PM

I, Jessica Quevido), oppose D2.

Sent from my iPhone

From: [Rodger Hansen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:57:40 PM

Aloha Members of the Department of Land and Natural Resources,
I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

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Rodger Hansen
Hakalau HI 96710

From: [Ryden Tugaoen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:04:06 PM

I oppose D2

From: [Christian Rabang](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 12:16:45 AM

I, Cara Rabang, oppose D2.

From: [Racquel Raneses](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 11:23:53 PM

I, Racquel Raneses, oppose D2.

Sent from my iPhone

From: [Michael Reimer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for the April 12, 2024 DLNR meeting on the Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai'i
Date: Tuesday, April 9, 2024 6:18:06 AM

blnr.testimony@hawaii.gov.

Attn: Dawn N.S. Chang

Subject: Testimony for the April 12, 2024 DLNR meeting on the Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai'i

I am providing testimony to the DLNR on the Informational Briefing Update on the United States Army Training Land Retention Efforts for the Pōhakuloa Training Area on the Island of Hawai'i and for Kahuku, Kawailoa-Poamoho, and Makua Training Lands on the Island of O'ahu; and Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001 :006; 8-1-001 :007 (por.), 008 and 012 (por.), 8-2-001 :001, 022, 024, & 025; and (3) 4-4-015:008, 4-4-016:005. 7-1-004:007.

The U.S. Army seeks to retain land currently leased from the state of Hawai'i for training operations on Oahu and the Island of Hawai'i. The testimony offered here concerns mainly the leased land at Pōhakuloa training Area (PTA). Another option to retain these lands for training is now presented in addition to the previous 4 options: full land retention; modified retention; minimum retention; and a no action alternative where the land would revert back to the State.

In this commentary, I refer to the lands involved in the discussion as U.S. Army-owned lands even though the lands may be technically owned by the U.S. Government or other federal entity.

The new option is to exchange some U.S. Army-owned lands for the ownership of the currently leased lands. The information provided with this DLNR announcement of April 6, 2024 does not identify the proposed lands the U.S. Army wants to exchange and this is a large limiting parameter in offering comments on the reasonableness of such a proposal. Yet, it is possible to provide broad commentary on consideration of the option and I do so here. Ideally, in making a value comparison, the land in the exchange should be of similar siting to the leased land and in reasonable proximity to it. The actuality of that situation is unknown. The Big Island should be the recipient of the value received from the exchange of the leased land at PTA, meaning, for PTA leased land, the exchanged land should be land on the Big Island.

The first issue is the current location of the leased land at PTA. A primary saddle road connecting east and west Hawaii and the Daniel K. Inouye Highway, run through the current leased land at PTA. This is an essential connector for the two sides of the island and in case of some natural disaster that would disrupt traffic flow on either the northern route with many vulnerable bridges or the southern route with numerous historic lava flows cutting the existing route, this is the only practical alternative route. The County and State would have no control over this section of the Daniel K, Inouye Highway if that land is owned by the U.S. Army, even if there is a right of way agreement. That the U.S. Army is prepared to act in a truculent manner with regards to their control of the leased land was explicitly shown in the Draft Environmental Impact Statement of April 2022 (ARMY TRAINING LAND RETENTION AT PŌHAKULOA TRAINING AREA DRAFT ENVIRONMENTAL IMPACT STATEMENT VOLUME I AND VOLUME II) when it indicated it would no longer provide first responder assistance for fire and other emergencies on the

land and the Daniel K. Inouye Highway if the lease were not renewed. Revealing such an intention in the draft EIS merely presaged its intent in any cooperative aspects with civilian government and needs. If given full control of the land, it cannot be unexpected that the U.S. Army would withhold all cooperative services with the County in that vicinity, including not allowing use of the Daniel K. Inouye Highway.

Given the fact that the land offered in exchange is already owned by the U.S. Army, it would be more efficacious for it to use that land for similar purposes replacing current leased land at PTA. Therefore, land exchange is not a reasonable option in consideration for lease renewal. In fact, it categorically indicates that the best option would be not to renew the lease. Utility of civil transportation through that leased parcel must also include a practical vision of future possible use. It is highly likely that within this century, a rail line, either surface or elevated will be constructed to link windward and leeward Hawaii. The best option would be not to renew the lease and not to exchange that land as the County and State must retain full right of way at all times on that connection route and not risk some future sequestration by the U.S. Army.

A second issue in this DLNR hearing is the cost evaluation of the land related to the exchange. The value of the U.S. Army proposed land in the exchange may be worthless if the U.S. Army has used that land for training purposes. It could be highly contaminated with toxins and not useful for any purpose, perhaps even fitting the U.S. EPA definition of a brownfield site. Like the impact areas on U.S. Army-owned lands at PTA, such exchange lands would never be suitable for agriculture or hunting as anything harvested may be contaminated with toxins related to training activities. It could not be used for recreational purposes because of the risk of toxin and unexploded ordnance exposure. It could not be used for housing. It could not even be used for renewable energy collection purposes because it would be unsafe for construction and maintenance crews to enter the land. One has only to recognize the condition of Kaho`olawe as an existing uninhabitable example of the contaminated condition of U.S. Military used and abandoned lands.

The chairperson appointed by DLNR and authorized to negotiate, approve and execute a contract for appraisal services must be given the specific task to carefully and thoroughly evaluate the exchange scenario with a detailed independent appraisal including a study for the presence of toxins and the potential transport of toxins from any adjacent training area, including airborne routes and groundwater contamination. The chairperson appointed must be required to consult with independent scientific health personnel regarding that evaluation, and I stress the need for independent evaluation. Additional measurements may have to be made to insure the independence of the data used in the evaluation. Past data is not necessarily an indicator of current and future environmental quality. These sites and adjacent areas must be carefully evaluated for the presence of hazardous materials that may cause risk to humans, wildlife, or ecological systems, both on- and offsite. Costs for such valuation must be covered by the U.S. Army.

A third issue involves a fair market price for the leased lands if the lease is to continue. The value of a lease for the current approximate 22,000 acres, even if the modest lease rates for agricultural equivalency are used rather than a business equivalency, would be about \$200/acre/year, plus taxes (<https://www.hamakuaagcoop.com/lease-land/lease-terms/>). This should be a starting point for determining fair market value of lease rates. The lease should also require an adherence to true stewardship of the lands including environmental cleanup and a requirement of a bond posted for environmental cleanup if the U.S. Army does not provide for intermittent cleanup adhering to the terms of the lease when expired. As a condition for granting a lease extension, the U.S. Army must be required to make a thorough cleanup of the existing leased lands so that it provides a clean baseline for comparison at the end of the new or renewed lease period. The U.S. Army has indicated that it has conducted burning of waste and toxic materials in the training area, used the land for dumping military-related trash at uncontained sites, and may have used PFAS-containing firefighting foam products related to fire-fighting training with the possibility of ground water contamination.

These requirements are not onerous conditions and it is obvious why the U.S. Army would want to take ownership possession of the lands. It could then, at some future time, abandon the land and leave it in an uninhabitable and unoccupiable state that would become a burden for the civilian government to remediate with all the concomitant risks to the public and contractors. And, in all likelihood, the land would be forever uninhabitable.

In sum, the lease should not be renewed, no exchange of land should be considered, and the current leased land should be remediated of all toxic and restored to a natural state. The U.S. Army should use the land it owns for replacement activities presently conducted on the current leased land.

Sincerely,

/s/

Michael Reimer, Ph.D.

GeoMike5@att.net

April 9, 2024

From: [River R](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Thursday, April 11, 2024 2:50:10 AM

Dear Members of the Department of Land and Natural Resources, I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare. A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter. Your Name, Town River. Captain Cook, HI

From: [Rk ツ](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:50:46 PM

I oppose D2!! WE ALL DO.

From: [Elizabeth Roberts](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Thursday, April 11, 2024 1:56:10 AM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Your Name, Town

Sent from my iPhone

From: [Susan RobertsEmery](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:39:06 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express our strong opposition to the proposed land swap for military training activities at Pōhakuloa. I am writing on behalf of the Green Party of Hawai'i. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

It is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, we are deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Mahalo nui for your time,

Susan RobertsEmery

Co chair GPH

Sent from my iPad

From: [Gwen Rodrigues](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:22:57 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Gwen MM Rodrigues, Hilo Hawaii

Sent from my iPhone

From: [Ezra Rosa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Thursday, April 11, 2024 2:15:31 AM

I oppose D2

From: [Kaimi Ross](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-2
Date: Wednesday, April 10, 2024 8:21:47 PM

Demilitarize Hawaii. Americas military has done nothing for Hawaii except welcome more trouble and poison our 'Āina. We have nothing to do with their wars. They are not our problem. They do not protect us if anything they put us in more danger and destroy our resources in the process. Prioritize your people by giving us the space to live. The military already has plenty of land and look how they treat It why give them more? What reason have they given to prove they are responsible enough for more? They havent. So dont even negotiate.

From: [Alissa Sadaya](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:51:43 PM

I oppose D2. This is the only legal motocross riding area on Oahu. We have been bringing our kids up in this park along with so many other great families. If this park is closed permanently this would greatly effect the healthy family activities that so many on the island take part in. This is a place that families are making healthy and safe memories in and would be devastating if unavailable due to this bill.

Please do not pass this bill.

A. Sadaya

[Yahoo Mail: Search, Organize, Conquer](#)

From: [Elisabet Sahtouris](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] land swap
Date: Wednesday, April 10, 2024 10:00:16 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama ‘āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

--

aloha nui!

Elisabet Sahtouris

Elisabet Sahtouris, PhD
750 Amana Street, Suite 1808
Honolulu, HI 96814 USA

From: [Jessica dos Santos](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Subject: Oppose Item D-2: Protect Hawai'i's Land and Communities
Date: Wednesday, April 10, 2024 8:23:25 PM

To the Board of Land and Natural Resources,

I am writing to vehemently oppose Item D-2 on the agenda for the upcoming BLNR meeting. This item, which pertains to the appraisal of lands leased by the United States Army, threatens the integrity of our precious Hawaiian lands and the well-being of our communities.

Before any appraisal is authorized, it is imperative that a comprehensive evaluation of the current condition of each property takes place. The Army must fulfill its responsibility to remove all unexploded ordnance and rehabilitate any areas damaged by its activities. Moreover, the voices of our communities must be heard through a transparent and inclusive process to determine the future use of these lands.

It is premature and irresponsible to set a lease price amount via authorization of an appraisal without considering the full scope of environmental and community impacts. We cannot allow these lands, which hold significant cultural and ecological value, to be reduced to mere dollar signs.

Furthermore, it is time for the United States Army to honor its original agreement made at the end of World War II. They have had the use of these lands for over 80 years under the promise of returning them in their original condition. It is long overdue for them to fulfill this commitment and repair the damage they have caused.

I urge the BLNR to reject Item D-2 and instead prioritize the protection of our lands and communities. We must not succumb to pressures to expand the military footprint in our islands and instead we should all fight to reduce their footprint. It is time to uphold the values of stewardship and sustainability for the benefit of present and future generations.

Mahalo,
Jessica dos Santos
Born and Raised in, and Lifelong Resident of, Kahuku, O`ahu

--
Jessica A. dos Santos
Phone: (808) 381-4069

From: [Jubei Sefronio](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:50:24 PM

I oppose D2.

This is the only track/race track on the island and it brings family together & keeps kids out of trouble as well.

From: [Carey Serikawa](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 10:23:10 PM

We the Serikawa family OPPOSE D2. I learned how to ride at Kahuku track and I've taught our kids to ride there as well!! Taking this away from our future will hurt not only the dirt bike community but the future of our kids!!

Thank you for your time,
Serikawa Family

Sent from my iPhone

From: [Kiah](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:17:51 PM

To whom it may concern,

I am writing to contest the military purchase of Pohakuloa, Makua, Kahuku, and Kawaiiloa. The U.S. military has done nothing good for the aina and has instead, polluted land, air, and water of the Hawaiian Islands. Continuing to support the U.S. military's presence on our islands, continues to support colonization and acceptance of U.S. imperialism. A better Hawaii is a demilitarized Hawaii.

Sincerely,
Kiah Shigeta-Koizumi

From: [S.S](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for Item D2
Date: Wednesday, April 10, 2024 8:56:47 PM

To Honorable BLNR:

Please do not sell Pohakuloa, Makua, Kahuku, and Kawaiiloa to the U.S. Military, keep lands for Hawaiian (Kānaka Maoli) citizens.

Sincerely,

Sherry Shimizu

Resident of Pearl City, Oahu

From: [David K Shizuma](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for 4/12/24 BLNR Agenda Item D2: Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services
Date: Wednesday, April 10, 2024 6:55:57 PM

Aloha,

I'd like to submit this written testimony in opposition to item D2 of the 4/12/24 BLNR agenda, to "Authorize the Chairperson to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army, Tax Map Keys (1) 5-8-002:002, 5-9-006:026; 7-2-001:006; 8-1001:007 (por.), 008 and 012 (por.), 8-2-001:001, 022, 024, & 025; and (3) 4-4015:008, 4-4-016:005. 7-1-004:007."

Historically, the United States Army has not been good lessees in Hawaii in every land they have leased, and it would be a horrible decision to continue leasing and/or selling property to them. They have irreparably destroyed natural and cultural resources on the lands they have leased and/or operated on, poisoned our environment, and negatively impacted our communities. There is no reason we should be considering renewing leases or selling them property. To do so would only be to allow for the further poisoning of our environment, possibly leaving more lands unusable by future residents of Hawaii. That is already the case for lands formerly used by the United States Army, and there is no reason to believe it will be any different with these lands.

In their eyes, our environment and natural and cultural resources are all sacrifices needed to ensure the safety of America. We cannot allow them to trade our Hawaii, our environment, for their safety. America needs to find another way to be safe, not including using the land of Hawaii for any sort of United States military operations.

Please do not approve this agenda item authorizing the Chairperson to "Negotiate, Approve and Execute a Contract for Appraisal Services."

Please return these lands to our people and our communities, so that we may begin the long arduous process of healing our land, environment, and communities.

Mahalo for your time and consideration,
Keoni Shizuma

From: [Bethany Silva](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony for item D-2
Date: Wednesday, April 10, 2024 8:50:49 PM

Hello,

This is my testimony to stop the state from entering into negotiations to sell off Pōhakuloa, Mākua, Kahuku, and Kawaihoa. DLNR chair Dawn Chang should NOT be authorized to Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently leased by the United States Army. Hawaiian land needs to stay in Hawaiian hands.

Thank you,

Bethany Silva

From: [Dayvis Sloan](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] NO MORE MILITARY PURCHASING HAWAIIAN LAND
Date: Wednesday, April 10, 2024 11:04:17 PM

I absolutely oppose any negotiations to be made by the state of the selling of land in Pohakuloa, Kahuku, Kawaiiloa, and Mākua to military. The military has done nothing but destroy and kill this land and its natural resources. There is No respect and awareness on their behalf. They come from all over this country with ignorance and arrogance. And they come with excitement to kill and do harm. This land is sacred and absolutely needs to continue to be revered by Kānaka Maoli. Please. Is there really no awareness of your mana and what it means to truly be pono in this life? Do the right thing.

From: [Haley Smith](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2 Testimony
Date: Thursday, April 11, 2024 12:24:14 AM

I, Haley Mae Smith, oppose D2. I am a current Native Hawaiian and Indigenous Health (Master of Public Health) student at UH Mānoa and I believe that if the US military were to buy ownership of these Hawaiian lands/parcels, then it would be a disaster and harmful to the Hawaiian people and local community members. I would like to remind you that ownership is a capitalist ideal, and pre-contact Hawaiians shared the land and lived harmoniously with it. Although colonization has changed things like the idea of entitlement and ownership, the rightful caretakers of these islands and this ʻāina are the Hawaiian people. Whether it be an island, a park, a lot of land parcel, not one more grain of sand of Hawaiian lands should be sold to the US military. D2 is an act of colonization and further oppresses the Hawaiian people, who have already lost their land, sovereignty, and kingdom due to the illegal overthrow of the Hawaiian Kingdom/Monarchy on January 17, 1893 and the illegal Annexation of Hawai'i in 1898. The effects of D2 would exacerbate the health disparities inflicted on the Hawaiian people by colonization, capitalism, and militarism. It is our kuleana as people living here to Mālama ʻĀina. Regardless if we are Kanaka or not, each person on this ʻāina has their kuleana to it. This is part of my kuleana to write testimony to help protect it and to serve as one of the many voices that cares for and loves it. I strongly urge you to not go forth with and to not be in favor of this negligent policy.

Mahalo Nui,

Haley Smith
MPH NHIH Student
UH Mānoa

From: [casey_spencer](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D-2
Date: Wednesday, April 10, 2024 8:35:28 PM

I opposed to D-2, why people that live in Hawaii do this to Hawaiian people this lady, Dawn Chang, why you fucken bitch!!!! You better help Hawaiians not go against, common sense not to common anymore!!!!!!
Sent from my iPhone

From: [Naomi Tanigawa](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Oma Tanigawa](#)
Subject: [EXTERNAL] Purchasing Pohakuloa, Kahulu, Kawaiiloa and Mākua - Item D2
Date: Wednesday, April 10, 2024 8:10:43 PM

Aloha!

I write to you in regards to negotiations of selling off Pōhakuloa, Mākua, Kahulu, and Kawaiiloa. I am a descendant of Hawaii, living here on Maui, raised for most of my young life in Wai'anae. I remember growing up hearing firing of guns, firearms during many weekends of trainings in Mākua valley and my Ohana that lived in Makaha and on Farrington Hwy in Makaha also experienced the same, while going to the beaches. It's so sad that many of my Ohana could never purchase a home or land. How do you consider selling lands that don't belong to the military or even consider that you have an option to think that you own the land being leased to military. I am against the selling or consideration of negotiations to sell land that DOES NOT belong to you. The LAND belongs to OUR people, Hawaiian people!

Naomi Iwalani Tanigawa (Thomas)
51 Keleawe St.
Makawao, Hi 96768
808-281-8860
Email: naomitanigawa1@gmail.com

From: [Jane W Taylor](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] TESTIMONY: ITEM D2 APRIL 12, 2024 ABOUT POHAKULOA TRAINING AREA
Date: Tuesday, April 9, 2024 1:57:08 PM

I am appalled that trading or selling any of this land to the military would even be considered. I am opposed. Their track record is not great. They just want to have no responsibility. (THINK ABOUT RED HILL OR THE UNEXPLODED ORDINANCE ISSUE) Please deny this concept immediately. Please do not authorize any negotiation at all. Please consider denying them the lease too, or at the very least, make the area smaller. They have a proven tunnel vision that does not include the respect or love this land deserves.

Meanwhile, you also could do better for any portions you still control. Sheep are eating the native trees. Exclosures are needed to save the bird habitat that remains. Sheep and goat removal need to be seriously improved and fencing for both herbivores and predators INCREASINGLY installed in vastly more areas. And however attractive the money might be, giving this priceless and unique land over permanently to the military would be criminal. If you want to give it to a federal entity, how about the National Park system instead?

IN CASE I WASN'T CLEAR: NO DO NOT AUTHORIZE NEGOTIATION TO SELL OR TRADE ANY LAND TO THE MILITARY, WHATEVER ISLAND IT IS ON. DO CONSIDER NOT REDOING THE LEASE OR AT LEAST MAKE THE LAND AREA SMALLER AND THE TIME PERIOD SHORTER.

SINCERLEY,
JANE
T
Jane Taylor
artteachers@icloud.com

<https://www.janewordtaylor.com/carousel.php>

From: [Nahe Teixeira](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 7:59:02 PM

I strongly oppose item D2

From: +18083834697@tmomail.net
To: [DLNR.BLNR.Testimony](#)
Date: Wednesday, April 10, 2024 8:48:31 PM
Attachments: [text_0.txt](#)

Item D2.Bad idea selling the land to an irresponsible war machine . Look at what happened at red hill spoiling the water. The damage is enough already.I'm a tax paying responsible citizen of this state and I ride off-road motorcycles at the Kahuku area . The waste and rubbish the military leaves after their maneuvers is appalling. Don't sell these lands to them !
keep Hawaiian lands in Hawaiian hands !

T-Mobile

This message was sent to you by a T-Mobile wireless phone.

From: [Theresa Thompson 808-283-4942](mailto:Theresa.Thompson@808-283-4942)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Strong Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 7:31:55 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula.

This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety. The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs. Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability. In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Theresa Thompson, Kula

From: [Tlaloc Tokuda](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] A Bad Idea
Date: Wednesday, April 10, 2024 9:07:04 PM

This is my testimony in **OPPOSITION** of the army's purchasing of land from Pōhakuloa on Hawai'i Island. I am a member of HAPA, and our fearless leader Gary is usually spot on on most things Hawaii.

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

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Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Mahalo for your consideration,
Tlaloc Tokuda
Kailua Kona, HI 9670

From: [Ellen Tourlousse](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Thursday, April 11, 2024 2:43:28 AM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakuloa. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

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In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Kind regards,

Ellen Tourlousse

From: [roderick tugaoen](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:59:19 PM

I oppose of D-2 to sell off hawaii lands to the military. In oahu we are already limited on space for motorsports and if this land were to be sold off we would loose another motorsports park. Please do not sell our land. Please find an alternative.

Thank you
Roderick

From: [Keao Victorino](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Pohakuloa and other lands
Date: Wednesday, April 10, 2024 11:19:07 PM

Aloha,

I am writing to oppose the army being allowed to purchase instead of renew their leases for pohakuloa and like parcels. Part of the lease agreement is that the army return the land to pre lease condition upon completion of their lease. The army has demonstrated the unwillingness and inability to abide by this agreement. That is a breach of contract and I say the leases not be renewed.

Mahalo,

Charles-Michael Victorino
Sent from my iPhone

From: [Kinion Carroll](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Regards
Date: Wednesday, April 10, 2024 5:28:01 PM
Attachments: [UNHRC-700x278.png](#)

Good afternoon,

Please do not sell off Makua, Pohakuloa, Kahuku, Kawaiiloa and more land to he US military. This land should be returned to the Native Hawaiiab community and the people to serve the public. End US imperialism in our islands and the illegal occupation of Hawaii.



The military should not be leasing hundreds of thousands of acres for 60 years at \$1 while Hawaiians are being priced out
Respectfully,

Kinion Wahineali‘i C.

From: clifford_wassman@yahoo.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Letter Against Military Land Purchases
Date: Wednesday, April 10, 2024 9:32:04 PM

Aloha,

Please deny the Military's request to purchase state lands for their exclusive use. The military has shown to be poor stewards of the land from the fouled water supply on Oahu to the petroleum plume under Pearl Harbor to the UXO that litters the land to the heavy metals from the shooting range in Ewa. The list goes on and on. Who knows what they will do with the land if they do not have to answer to the state? If the military must stay please charge them fair rent and force them to remediate any past, current, and future environmental damage.

Mahalo,
Clifford Wassman and Remy Reed
Honolulu, HI

From: [Tekla Weber](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 9:21:07 PM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Tekla Weber
Kailua-Kao' hou,

Aloha,
Tekla Weber

From: [Leimomi Wheeler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2 - OPPOSE
Date: Wednesday, April 10, 2024 9:58:28 PM

Aloha ‘Āina,
I oppose D-2!

‘Āina Aloha,
Momi Wheeler
Kea‘au, Lononuiākea

ua mau ke EA o ka ‘āina i ka pono!

From: [Jeanne I Wheeler](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Strong Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Wednesday, April 10, 2024 8:41:01 PM

Dear Members of the Department of Land and Natural Resources,

I'm writing to register my strong opposition to the proposed land swap for military training activities at Pōhakuloa, as it poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa, but it's important to note that much of the non-state land earmarked for the swap is filled with unexploded ordnances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises big concerns for the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This would pose an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It's evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to please reject the proposed land swap for military training activities at Pōhakuloa. Instead, I ask you to please prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter. Aloha

Jeanne Wheeler - Pahoa, Big Island

From: [kainoa white](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 11:16:12 PM

I OPPOSE D2!
Kevin white
Sent from my iPhone

From: [Larry Williams](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:43:44 PM

I oppose D2. I am a state resident who owns and rides a dirt bike legally. There are growing numbers of illegal dirt bike activities on highways. We need to keep privately managed riding areas in operation that provide a designated place to recreate with dirt bikes and similar off highway vehicles.

From: [tamo wong](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 9:34:52 PM

OPPOSE D2

From: [Kahuku Moto](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] D2
Date: Wednesday, April 10, 2024 8:22:20 PM

I strongly OPPOSE D2 !!!

Aloha
Make it an amazing day!
Charlie Wong

From: [Leah Yamamoto](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Item D2 Testimony - OPPOSE
Date: Wednesday, April 10, 2024 11:42:33 PM

Aloha,

I'm submitting testimony in OPPOSITION of item D2.

Pōhakuloa, Mākua, Kahuku, and Kawaihoa should rightfully be in the care of the kānaka maoli, the native Hawaiian people of Hawai'i.

Our land is not a commodity to be sold or abused.

Do NOT grant the DLNR chair the power to initiate the process of selling Pōhakuloa, Mākua, Kahuku, and Kawaihoa.

Sincerely,
L. Kanae

From: [tasia yamamura](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Testimony regarding April 12 agenda item
Date: Wednesday, April 10, 2024 7:06:06 PM

Aloha kākou-

I'm writing out of concern regarding agenda item D2 for the BLNR meeting this Friday April 12. I oppose Chairperson Dawn Chang being allowed to "Negotiate, Approve and Execute a Contract for Appraisal Services to Determine the Fair Market Value Currently Leased by the United States Army". This type of decision should take into consideration community input, particularly for places like Mākua Valley which the Wai'anae community has been actively advocating (for many years) to be turned over to the community after the current military lease is up in 2029.

The U.S. military have proven to be poor stewards of this 'āina. With climate collapse, Hawai'i's housing crisis, food insecurity, etc, these lands should be rehabilitated and restored so that the people of Hawai'i can care for and benefit from them.

To reiterate, I strongly oppose Chairperson Chang being allowed to negotiate, approve, and execute appraisal a contract for appraisal services to determine the fair market value for lands currently leased by the U.S. military. I encourage us all to make decisions with "long-sightedness", with the next seven generations in mind.

Mahalo nui for reading my testimony,
Tasia Yamamura

From: [Kristen Young](#)
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Opposition to Proposed Land Swap for Military Training Activities at Pōhakuloa
Date: Thursday, April 11, 2024 1:26:43 AM

Dear Members of the Department of Land and Natural Resources,

I am writing to express my strong opposition to the proposed land swap for military training activities at Pōhakula. This proposal, which seeks to exchange state lands crucial for training purposes, poses significant risks to both the environment and public safety.

The state lands in question are vital for military training activities at Pōhakuloa. However, it is important to note that much of the non-state land earmarked for the swap is filled with unexplored ordinances, presenting a serious hazard to both military personnel and civilians. Additionally, the proximity of these lands to the saddle road raises concerns about the safety of civilians accessing this major thoroughfare.

A closer examination reveals that the majority of firing points utilized by the military are situated on state leased lands. Should these lands be lost due to the proposed swap, the military would be forced to reposition firing points onto US lands, potentially endangering civilians passing along a major highway. This poses an unacceptable risk to public safety and must be avoided at all costs.

Furthermore, I am deeply troubled by the implications of the mālama 'āina findings legal case involving Aunty Max and Uncle Kū. It is evident that the military has failed to comply with the lease conditions and address the findings of this case. The proposed land swap would allow them to continue their actions without being held accountable for their misconduct, effectively bypassing the law and undermining the principles of justice and accountability.

In conclusion, I urge the Department of Land and Natural Resources to reject the proposed land swap for military training activities at Pōhakuloa. Instead, I implore you to prioritize the safety of civilians and the protection of our natural environment by ensuring that the military complies with all lease conditions and legal obligations. Thank you for considering my testimony on this important matter.

Kristen Young, Honolulu