

From: danhieus18@icloud.com
To: [DLNR.BLNR.Testimony](#)
Subject: [EXTERNAL] Defer agenda item C-2 until a new Environmental Assessment and updated Management Plan are prepared.
Date: Thursday, May 22, 2025 6:28:40 AM

Aloha Board and Chair,

The U.S. Military needs to clean up the areas they are responsible for. From Pohakuloa to 'Ilio, they have left a trail of contamination and desecration.

Defer agenda item C-2 until a new Environmental Assessment and updated Management Plan are prepared.

Require a complete and proper Ka Pa'akai analysis with direct consultation with Native Hawaiian cultural practitioners.

Require a UXO remediation and community consultation plan, including transparency about past and ongoing military use.

Ensure that any NAR designation includes affirmative protections for Native Hawaiian access and practice.

The military cannot continue the desecration of our lands, only to have the state seal them off under the name of conservation without first addressing the harms that have been done.

Bob Douglas

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From: [Keomailani Hirata](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Yuen, Emma](#); [Landon, Peter](#); [Puff, Jessica L](#); [Calpito, Jordan V](#); [Lebo, Susan A](#)
Subject: [EXTERNAL] Written testimony: BLNR May 23rd meeting agenda C-2
Date: Thursday, May 22, 2025 9:45:41 AM

Aloha ‘āina kākou.

My name is Keomailani Hanapi Hirata and I am submitting written testimony in my official role as a Molokai Island Burial Council Representative, the only member on the council in a hold over status until 2027.

I submit this testimony on behalf of Molokai Island Burial Council (MIBC) consultation, as a Hawaii State board and commission designated as consultants to State Historic Preservation and an advocacy council for the proper protection of iwi kūpuna (ancestral burials) and our sacred cultural sites, specific to ‘ilio o Hina or known today as, Ka lae o ka ‘ilio.

‘Ilio o Hina contains known burial sites, and any proposed development or land use changes must adhere to Hawaii State laws to protect iwi Kupuna. Preservation in place must be the priority, as these iwi are our ancestors and their resting places must remain undisturbed.

Listed is the HRS Chapter 6e laws that apply directly to this land designation and right of entry consultation by MIBC.

Hawaii Revised Statutes (HRS) Chapter 6E establishes the legal framework for the preservation of burial sites and ensures that Native Hawaiian cultural practices are respected.

- HRS §6E-2: Recognizes that burial sites are sacred and must be treated with the highest level of care, in

accordance with traditional Hawaiian customs.

MIBC has consulted with and worked together with DOFAW for nearly 2 years on the proposed land designation from state unencumbered lands to DOFAW Natural Area Reserve.

MIBC's specific consultation was to address inadvertent discoveries of human remains, the possibility of more inadvertent discoveries of human remains, the possibility of discoveries of cultural and/or historical sites, and review a BTP/BMP. MIBC and SHPD Archeology branch took the lead to ensure transparency and set clear guidelines of which agency and/or entity has jurisdiction as outlined by the Chapter 6e laws and gave recommendations for future projects for the whole 'āina o 'ilio o Hina.

- Under HRS §6E-42, requires the preservation of historic properties, including burial sites, and obligates landowners to follow procedures set forth by the State Historic Preservation Division (SHPD).
- Under HRS §6E-43, if human skeletal remains are inadvertently discovered during land-altering activities, all work must cease immediately, and the landowner must notify the appropriate authorities, including the Burial Council.

During the consultation, all stakeholders involved have worked together to come up with living documents of plans and next steps forward should there be any inadvertent discovery of human remains. Plans that allow for modification and adaptation to specific place-based identification. This is what has been completed by DOFAW

representatives in collaboration with consulting cultural stakeholders.

1. Protect and preserve burial sites in accordance with HRS §6E-42(a).
2. Submit a “temporary” Burial Treatment Plan (BTP) as required under HRS §6E-43.6, which outlines protocols for handling inadvertent discoveries.
3. Consult in good faith with the Molokai Island Burial Council as mandated by HRS §6E-43.5(b).

“Temporary” - until MIBC has a quorum to officially recommend for approval of any BTP/BMP.

As outlined under the laws that govern MIBC consultation jurisdiction, MIBC states on the record that DOFAW has fulfilled all recommended requests asked of them to date, by MIBC, therefore there are no restrictions for MIBC to not support the requested land designation to NARs.

What is before BLNR right now is a land designation and right of entry. MIBC has completed its oversight specifically to this part of the consultation for land designation and right of entry.

Mahalo,
Keomailani Hanapi Hirata, MIBC Representative (hold over 2027)

From: [Ronnie Inagaki](#)
To: [DLNR.BLNR.Testimony](#)
Cc: [Ronnie Inagaki](#)
Subject: [EXTERNAL] Written testimony to Defer Agenda item C-2 for May 23, 2025 TIME: 9:00 a.m.
Date: Wednesday, May 21, 2025 9:49:37 PM

DATE: May 23, 2025 TIME: 9:00 a.m.

PLACE: DLNR Boardroom, Kalanimoku Bldg., 1151 Punchbowl Street, 1st Floor / & Online via Zoom

RE: Agenda Item C-2: Acceptance of Hearing Master's Report, and approval and recommendation to the Governor for issuance of an Executive Order to set aside State lands at 'Ilio Point, Molokai, to the Department of Land and Natural Resources, Division of Forestry and Wildlife, and issuance of an immediate Right of Entry for management purposes.

Aloha mai kākou, Chair Chang and Members of the Board of Land and Natural Resources,

Mahalo for the opportunity to submit testimony regarding Agenda Item C-2: Acceptance of Hearing Master's Report, and approval and recommendation to the Governor for issuance of an Executive Order to set aside State lands at 'Ilio Point, Molokai, to the Department of Land and Natural Resources, Division of Forestry and Wildlife, and issuance of an immediate Right of Entry for management purposes.

I respectfully submit this testimony to DEFER the proposed action due to significant unresolved concerns that must be addressed before proceeding. While the protection of 'Ilio Point's unique ecosystem is a laudable goal, the proposal, as it stands, fails to properly address critical issues related to cultural preservation, environmental remediation, and community access. These omissions perpetuate a pattern of neglect and exclusion that must not continue.

1. Require a Complete and Proper Ka Pa'akai Analysis

The Ka Pa'akai o Ka 'Āina framework, as established in *Ka Pa'akai o Ka 'Āina v. Land Use Commission*, 94 Hawai'i 31, 7 P.3d 1068 (2000), mandates that Native Hawaiian traditional and customary rights be identified, protected, and preserved. This requires direct consultation with Native Hawaiian cultural practitioners and lineal descendants to assess the cultural and spiritual significance of 'Ilio Point and its resources.

Concern: The proposal does not include a proper Ka Pa'akai analysis, which is essential to ensure that Native Hawaiian rights are not infringed upon. Without this analysis, the Board risks violating its constitutional obligation to protect these rights.

Recommendation: Before the Board approves this action, it must require the completion of a Ka Pa‘akai analysis with direct consultation with Native Hawaiian cultural practitioners and lineal descendants. This analysis must be integrated into the management plan to ensure the protection of cultural practices and resources.

2. Unexploded Ordnance (UXO) and Environmental Remediation Plan

The land at ‘Ilio Point has a documented history of military use, including as a WWII-era bombing range and a U.S. Coast Guard LORAN station. These uses have left significant environmental hazards, including unexploded ordnance (UXO) and contamination from lead, asbestos, and PCBs. Although some surface clearance has been conducted, substantial hazards remain, and public access to the area is restricted under the terms of the quitclaim deed.

Citation: As noted in the Hearing Master’s Report,

“The presence of UXO and structural contamination remains a barrier to public access and will require long-term management oversight.”

Concern: The current proposal fails to provide a transparent plan for the remediation of UXO and other environmental hazards. Transferring jurisdiction to the Division of Forestry and Wildlife without first addressing these hazards shifts the burden onto the Division, which lacks the necessary resources and expertise to handle such complex issues. This is unacceptable and leaves the community without clear answers about the risks and timeline for remediation.

Recommendation: The Board must require a comprehensive UXO remediation and environmental cleanup plan, developed in consultation with the Molokai community, before approving the transfer. This plan should include transparency about past and ongoing military use, as well as a timeline for remediation efforts.

3. Affirmative Protections for Native Hawaiian Access and Practice

The community has consistently emphasized the need to protect traditional and subsistence access to ‘Ilio Point for fishing, hunting, camping, and gathering. These activities are vital to the cultural and economic well-being of the Molokai community and must be explicitly

protected in any Natural Area Reserve (NAR) designation.

Citation: Community feedback from the report includes:

“Support for the NAR designation and related projects was contingent on assurances that traditional and subsistence access would be protected.”

Concern: The current proposal does not include binding protections for Native Hawaiian access and practice. Without explicit guarantees, there is a risk that the conservation designation could restrict access, further disenfranchising the Molokai community and eroding trust.

Recommendation: The Board must ensure that any NAR designation for ‘Ilio Point includes affirmative protections for Native Hawaiian access and practice, including legally binding commitments to preserve traditional rights and practices.

4. Addressing Past Harms Caused by Military Desecration

The desecration of ‘Ilio Point by military forces—including bombing, contamination, and unexploded ordnance—has caused irreparable harm to the land and its people. It is unacceptable for the State to proceed with conservation efforts without first addressing these harms. Conservation cannot be used as a justification to seal off lands that have been damaged by military use, particularly when Native Hawaiians and the Molokai community have been excluded from decision-making processes.

Citation: The report states:

“Under the terms of the quitclaim deed, the state was assigned responsibility for UXO and hazardous material clearance. The deed also prohibits public access to the site until the surface has been cleared of UXO.”

Concern: Proceeding without addressing these harms perpetuates a pattern of exclusion and neglect. The State must take responsibility for the military’s role in the degradation of this land and prioritize remediation as a first step toward conservation.

Recommendation: The Board must require that past harms be acknowledged and addressed, including UXO clearance, environmental remediation, and transparency about the military’s role in the degradation of the land, before approving the transfer.

5. Formalize Community Governance and Long-Term Stewardship

The Molokai community has expressed a strong desire for meaningful participation in the management of 'Ilio Point. This includes the establishment of a community governance framework to ensure that traditional knowledge and community priorities are integrated into the long-term management of the area.

Citation: Community requests summarized in the report include:

“Establishing a community governance framework to integrate the goals and objectives of the State of Hawai'i Ocean Resources Management Plan into future planning efforts.”

Concern: Informal meetings and assurances are not enough to rebuild trust or ensure meaningful participation. Without a formalized governance structure, there is no guarantee that community input will be incorporated into the management plan.

Recommendation: The Board must require the establishment of a formal community governance framework that includes active participation from Molokai residents, lineal descendants, and cultural practitioners in all aspects of planning and decision-making.

Conclusion:

While the protection of 'Ilio Point's ecosystem is a worthy goal, the current proposal fails to address critical issues of cultural preservation, environmental remediation, and community inclusion. The State must prioritize the safety, access, and inclusion of the Molokai community, as well as acknowledge and remediate the harms caused by military activities, before proceeding with the transfer of jurisdiction.

By requiring a complete Ka Pa'akai analysis, a comprehensive UXO remediation plan, affirmative protections for Native Hawaiian access and practice, and a formal community governance framework, the Board can ensure that the management of 'Ilio Point aligns with the values and priorities of the land, the community, and future generations.

Mahalo for your consideration of this testimony.

Me ke aloha pumehana,
Ronnie Inagaki