

# Reference Material: Comments on Conclusions and Recommendations a Legislative Study

Senator Daniel K. Inouye Papers  
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COMMENTS ON CONCLUSIONS AND RECOMMENDATIONS  
A LEGISLATIVE STUDY OF THE ISLAND OF KAHO'OLAWA

CONCLUSIONS

Chapter II (p27)

Because of the resurgent interest in the Kaho'olawe issue an interim Committee on Kaho'olawe was formed to thoroughly investigate the issue in a low-key, fact-finding manner. The Committee did a thorough literature search of the issue and conducted statewide meetings with a number of different people (varied in ages, and representative of various social, economic, occupational, educational, and ethnic backgrounds). The Committee also met with resource people, including archaeologists, historians, kupuna, and foresters, as well as the Navy and members of the Protect Kaho'olawe 'Ohana. Throughout the study, the Committee attempted to maintain a low-profile, fact-finding direction to its study.

Comment: The Committee did meet with Navy representatives who supplied them with the answers within the constraints of the rules on classified information. We could not, for example, provide them detailed information about the movement of U. S. Forces.

The Committee criticizes the Navy for not providing "substantive data." However, in general the Committee did not indicate during the conduct of the study and preparation of its report that it would like more complete information than it had received from the Navy.

Also, only two of the twelve members of the Committee accepted COMTHIRDFLT's invitation to attend a briefing in which the Navy's position was explained. Five members accepted the Navy invitation for a tour of Kaho'olawe Island.

Chapter III (p55)

Kaho'olawe was historically regarded as one of Hawai'i's major islands. It was said to be the home of the shark god, Kaumuali'i, and was later sought by Kamehameha the Great as booty in a negotiated peace settlement.

Ke ala i Kahiki Point, the legendary navigational point for long journeys into the South Pacific, is located on Kaho'olawe. It was this point that the Hawaiians used along with others to form a navigational triangle for trips to Tahiti, New Zealand, and other southerly areas.

Recent archaeological findings indicated that Kaho'olawe is studded with koa'a (fishing shrines), heiau (places of worship), house foundations, and artifacts. There are also indications of a unique adz factory and numerous tools fashioned out of basaltic glass. In addition, glass factories appeared to thrive on Kaho'olawe, and new evidence of dry-land crops (like sweet potatoes) was found. Of the 100 sites so far recorded, 96 are expected to qualify for the National Register.

Of the more significant archaeological findings are those indicating that the Island supported a permanent population. Geological evidence suggests that the Island's water table was higher than at present, surface water was more abundant, vegetation was more widespread, and conditions on the plateau were more conducive to Hawaiian agriculture than at present.

By reviewing the chronology of events related to Kaho'olawe, it is apparent that the Island has been a matter of concern to people in Hawai'i for many years. At every level of government - county, state, and national Hawai'i representatives have introduced legislation seeking an end to the destruction of the Island and return to the State. United States Senator Hiram Fong and Maui Mayor Elmer Cravalho were among the first to seek a solution to the problem. The fight was later carried on at the national level by Senator Daniel Inouye, Representative Patsy Mink, and others, and on the state level by Senators Takitani, Yamasaki, and more recently the Joint Committee.

In the past two years, Senator Inouye has stood as the key congressional representative in seeking a solution to the Kaho'olawe issue with support from Congressman Akaka, Congressman Heftel, and Senator Matsunaga. Mayor Cravalho has also steadily maintained his interest in this area. Both fought at different levels to make some headway toward a solution to the problem. In January 1976, Governor Ariyoshi also predicted that, "...it's only a matter of time before the military stops using Kaho'olawe as a bombing target and turns it over to the State."

Comment: The archaeological findings discussed are the subject of continuing study. Since the study was published, four additional archaeological surveys under Navy auspices have been conducted and more are scheduled in the near future in the continuing survey effort which began in the spring of 1976.

## Chapter IV (p75)

The Protect Kaho'olawe 'Ohana was founded in mid-1976, the latest among a long line of groups and individuals to bring public attention to the issue of Kaho'olawe. The 'Ohana bases its activities on a number of ancient Hawaiian concepts including 'ohana (family), aloha 'aina (love of the land), ho'oponopono (making things right), na'au (gut level action), kupuna (consulting the elderly) and pule (prayer). While these concepts can serve as valuable tools for problem solving, they have not always been completely understood or followed by the 'Ohana. Even the adaptations that the 'Ohana followed, however, added a positive focus to their activities and a realization that the ancient Hawaiian culture had much to teach the society of today.

The 'ohana concept encompasses the feelings of unity and cohesiveness, cooperation, shared involvement, shared responsibility, loyalty, and love. The aloha 'aina concept refers to a deep respect for and love of the land.

Pule is the tradition of prayer to impart a sense of peace and calm before and after action.

Na'au refers to "gut feelings" and a deep intelligence base from which to make decisions.

Kupuna are the elders who were used as teachers in the old culture because of their rich experience in living and who were revered and respected by all. Today they are regarded as being closer in understanding to the people of old and able to share these understandings with the people of today.

Ho'oponopono is the mediating process; forgive, forget, and make things right.

Ho'ili'ili ka mana'o refers to the gathering of mana'o and working out the dissension so that there is one solid mana'o.

While the general public was sympathetic with the 'Ohana cause (return of the Island to the State and eventual restoration), some opposed their tactics and most particularly, their law breaking and incidents of personal affront to the established ways of doing things (as in Court). They felt these displays were "un-Hawaiian" and contradictory to the 'ohana philosophy of the ancients. Moreover, many were

emphatic about negotiations for the return of the Island being conducted through the "proper" channels and their views being represented by duly elected officials.

Comment: None

#### Chapter V (p89)

The spiritual aspect of life was an integral part of the ancient Hawaiian culture. Nature was revered and thanks always given for blessings received. The Hawaiians respected nature in all its forms and abhorred waste and desecration. Shrines, heiau, ko'a, and so forth were numerous on Kaho'olawe and served as an indication of the heavy dependence, locally, on the fishing industry.

After the missionaries arrived in Hawai'i, many of the spiritual teachings of the ancient Hawaiians were forced underground. The ancient religion was banned, as well as the ancient religious practices; and Christianity was imposed on the community.

The kupuna spoke of Kaho'olawe as serving a very sacred function--acting as a depository for the rest of the Island chain, where people could go and bury their troubles--leaving refreshed and spiritually cleansed. Some feared that the bombs had opened the depositories on Kaho'olawe and subsequently caused the buried troubles to escape and be transmitted to their island of origin, once again causing the people of each island to be burdened.

Other kupuna spoke of Kaho'olawe as a possible pu'uhoonua, a place of refuge, but they were uncertain about this. Regardless, Kaho'olawe does have a strong spiritual aspect to it. The Hawaiians revered their land and each area served a particular function in the society. Thus to arbitrarily remove an island from the mainstream of life, apparently leaves a void in the culture of the Hawaiians which is only now being recognized. As in the early days of the formation of our nation, the freedom of religion has taught us to respect the religious values of all cultures, regardless of their ethnic origin.

Comment: None

#### Chapter VI (pl21)

What then is Hawai'i's role in terms of the military presence in the Pacific? It is the homeport of the THIRD Fleet; it is the headquarters for the Commander in Chief

U. S. Pacific Fleet. From here strategic moves in the Pacific area are planned. But in terms of essential training and troop action, Hawai'i's role does not appear to be the key to U. S. protection in the Pacific.

Admiral James Holloway, in an October 1977 U. S. News and World Report article, explains:

"Our single major problem is the reduced number of ships in the U. S. Navy. But naval capability means two things; number of units and the individual quality of those units.

Our quality is very close to tops. Therefore, I'm able to say that the U. S. Navy is superior to the Soviet Navy, even though we have only 467 ships in the active Fleet, compared to 2,000 to 3,000 in the Soviet Navy, depending on what types you count."

Marine Corps General Louis H. Wilson adds:

"The readiness of the Marine Corps is unprecedentedly high everywhere. We are at full strength--192,000--and 78 per cent of our personnel are high-school graduates. We don't want to get bigger--just better.

We have a worldwide mission. In fact, we are the strategic reserve for Europe, and now that we are not committed elsewhere, we can hold exercises there. Last year, we landed 8,000 marines in Norway, then moved them to the Jutland Peninsula, and now we're having a large exercise in the southern NATO area.

The basic concept of the Marines hasn't changed, but the days of slow, ponderous movement across beaches are gone. We can achieve our objectives now in a more efficient manner, using modern technology such as helicopters.

The Marines are not a luxury. A maritime nation such as ours has to have 'a power-projection force.' Our tactics, techniques and equipment are developed for this role. We can go over beaches, go by helicopter and go by air. And I don't believe the days of amphibious operations are past. There is an acknowledged deficiency, though: The Navy's ships don't have the big guns to pound a beach before landing. We have to depend on air strikes. However, some new weapons--lightweight 8-inch guns--are coming down the pike for cruisers and some destroyer classes--but not as fast as we would like.

The Marines' stock in trade is readiness. We could get a division to Europe as fast as aircraft are available to

move them. We expect to be the first to fight. We are ready to go."

General Wilson's comments are revealing, for he mentions that:

...the days of slow, ponderous movement across beaches are gone. We can achieve our objectives now in a more efficient manner, using modern technology...

This is exactly the point that the Committee wants to make. Given modern technology, given the uncertainty of what the next war will be like, given the specialized training that was required for Viet Nam (even after basics), given Hawai'i's questionable role in the Pacific, given all of these--how can the absolute need for Kaho'olawe be substantiated? So far, the Committee has not been given adequate valid and reliable data to support such a position. Until adequate data to the contrary is provided, the Committee can only speculate as to whether or not the benefits of maintaining Kaho'olawe as a target island outweigh the benefits which would accrue through its return to the State.

Comment: Although the Committee quotes General Wilson, it then lifts out of context two partial sentences, thus subtly changing the meaning of what he said. Then the Committee reaches a paradoxical conclusion by stating that because of the "uncertainty of what the next war will be like" there is no substantiated need for Kaho'olawe. The opposite is true. It is because of the uncertainty of the next conflict that we must be prepared for any eventuality. Furthermore, the Committee comment regarding not having been given valid and reliable data to support the Navy's contention of need for Kaho'olawe is unwarranted in view of the information which was made available to the Committee. Although the Committee speaks of benefits which would accrue to the State, nowhere in the Report are these benefits spelled out, and we do not know what the Committee feels these benefits would be.

#### Chapter VII (p147)

The Navy has used criteria for judging alternatives which are based on a description of Kaho'olawe itself. As a result, they have rejected:

1. Ka'ula Rock;
2. PMRF, Barking Sands, Kaua'i;

3. Schofield Barracks Range Complex;
4. Makua Valley Impact Area;
5. Pohakuloa Training Area;
6. An Artificial Target Island;
7. A Floating Target;
8. San Clemente;
9. Southern California areas; and
10. Western Pacific Operating areas.

While one particular location may not possess all the features necessary to serve as a viable alternative to Kaho'olawe, a combination of areas and careful scheduling may be able to satisfy the primary needs. Furthermore, there may be other more suitable alternatives of which the Committee is yet unaware. The military training needs are still unclear, so reliable assessments cannot be made. What is the schedule? Where do the forces travel? How can logistics be arranged to make the best use of a number of training areas. With the information provided, no area can be completely ruled out.

Comment: The questions asked in the last paragraph are difficult to answer for the Committee because of security classification and because the complexity of military operations, scheduling, and logistics makes concise answers impossible. However, factors of cost, training effectiveness, and optimum use of personnel certainly are important matters to consider. As to "more suitable alternatives" it is not surprising the Committee is unaware of them, since the Navy is unaware of such alternatives.

#### Chapter VII (p160)

The costs of clean-up may seem high, but as one citizen explained to the Committee, "Even if it costs \$15 million to clean-up, this would add up to less than 75 cents per American. Isn't it worth that much to know that they are protected and then to clean-up their mess afterwards?"

When one considers that a single B-1 bomber cost \$93.8 million and more, the \$130 million spread over five or six years does not seem quite so unmanageable. This works out

to a range from \$21.67 million down to \$12.83 million over six years. The question is not really whether or not the Navy should clean the Island; rather the question is "When?" According to the Executive Order granting the Navy use of the Island, the stipulation of clean-up before return is quite clear.

The findings of the clean-up study provide a basis for compromise; for it is evident that while the bombing may be gradually reduced, certain areas of the Island can be cleaned and restoration efforts begun. Since the bombing is centered on one part of the Island, areas outside the target area can be cleared and planted, starting at shore lines and moving inland.

The point is that clean-up of Kaho'olawe is not unfeasible, it is now a matter of planning and scheduling.

✓ Comment: On the subject of clean-up the Committee seems satisfied with data provided by the Navy. However, the job is more than just "a matter of planning and scheduling."

Unfortunately, the technology for locating sub-surface unexploded ordnance on Kaho'olawe in a safe and environmentally acceptable manner does not presently exist. Subsequent to the MARINCO, LTD. report cited in the Committee study, it has been discovered that the high iron content of Kaho'olawe renders existing detection equipment unusable there for the above-ground detection of buried unexploded ordnance. The meters on such devices cannot distinguish between the natural magnetism of the soil and rocks and that of buried ordnance. Thus, at the present time the locating of unexploded sub-surface ordnance requires digging and sifting the soil down to a pre-determined depth to insure that all such ordnance is found. Such digging and sifting is hazardous, for the striking of sub-surface ordnance with a bulldozer, or even a shovel, may well result in an explosion with injury or death for the workers involved. Furthermore, the total disturbance of the soil down to a depth of several feet, as envisioned in the MARINCO study, could result in massive erosion, far in excess of any that has occurred in the past. It should be added, however, that although the difficulties involving ordnance clearance are enormous, they are not insurmountable. I am confident that when the appropriate time comes we will be able to render the Island reasonably safe for human habitation as required by Executive Order 10436.

Chapter IX (p174)

There are two major trends of thought among the public regarding the economic impact of the loss of Kaho'olawe as a target island.

The first is a frightened view - scared of the possibility of losing the military altogether. One woman explained:

"The future of our kids is a stake. What will you be taking away from us by the return of Kaho'olawe? What about the loss of jobs? They said they'll move out. Pearl Harbor is important to us, we can't afford to lose it."

Again there must be noted the lack of substantiated data to warrant a pull-out. But the threat is a real one to people in the community. The second view was summed up by a man who testified before the Committee:

"They seem to be using economic blackmail as a justification. So they pull out - Where will they go? It's time now to agree on a workable solution. It's time to compromise - on both sides."

The data provided by the Navy is too general to make any specific conclusions. Therefore, because claims of loss are unsubstantiated, no further statements as to the actual impact of the economy of Hawai'i of the loss of Kaho'olawe as a target can accurately be made. The most that can be said is that there may be an impact on the economy of Hawai'i if Kaho'olawe is removed as a target island; however, whether or not that impact would be significant is still questionable. Again, any predictions become very speculative.

Comment: The Navy has not said unequivocally that loss of Kaho'olawe would result in loss of civilian jobs and relocation of some forces to other areas where necessary training can be conducted. However, since the availability of training facilities is a most important factor in the plans for home-porting of forces the loss of Kaho'olawe would most certainly force an evaluation of Pacific forces distribution. X

#### Chapter X (p198)

If Kaho'olawe is to be restored to anything near its natural condition, the removal of the goats from the land must be given top priority. The goats have no natural predators there and the plants have neither the capacity nor the defense mechanisms to withstand them. Before an effective replanting program can be developed, the goats must be removed, preferably alive or through a public hunting

program. While the governing Executive Order requires the Navy to keep the population below 200, it is estimated that there are considerably more on the Island. In the public Committee meetings, great distress was expressed by people who could not understand the killing of animals for that purpose alone. Thus a public hunting program or the rounding up of live goats would prove more humane and palatable to them.

A strong conservation and replanting effort headed by the Department of Land and Natural Resources is also a necessity at this time. Kaho'olawe can be saved, but efforts must begin now.

Comment: The Navy has been in the process of reducing the number of feral goats. This has been a top priority project and has been pursued when feasible in combination with other activities. The Navy has been cooperating for several years with the State of Hawaii in reforestation studies. For example, there are three experimental plots on the island (fenced to keep the goats out). Navy EOD personnel have developed a fast and safe method of digging planting holes using shaped charges of plastic explosives. This is necessary because of the danger of using hand digging tools where sub-surface unexploded ordnance may be present.

#### Chapter XI (p208)

The Committee is in general agreement with the Court regarding the environmental concerns of Kaho'olawe. Because the bombing can have a devastating effect on land, an environmental impact statement is only reasonable, regardless of whether or not people are living there. In addition, the immediate processing of sites to be submitted for the National Register should begin, if indeed they are to be preserved. With judicial action on environmental concerns, the public has again been reminded that there is another Hawaii Island deserving of the "protection" of the nation and its laws, a fact too often overlooked.

Comment: The locating and identifying of archaeological sites has been underway for more than two years. For the last four months the project has been entirely under Navy auspices since the State of Hawaii no longer supports a contractual agreement with the Navy to accomplish the survey jointly.

#### Chapter XII (p225)

Legal questions regarding Kaho'olawe still remain. Constitutional questions require further articulation. While the Navy appears to want to treat Kaho'olawe as a federal enclave, it is locally regarded as still under the political

jurisdiction of the State. The recent court rulings on the environmental aspects of this case, whereby the Navy has been required to submit an environmental impact statement annually, would seem to bear this out.

Are the Navy needs still viable today? Is the entire Island still required? Current data are not substantial enough to prove the need, and rather than wade through long and heavy court battles, the Navy and the State should consider negotiating an early amicable settlement.

Comment: The Federal Government has clear title to Kaho'olawe which was reaffirmed in the recent decision of the Ninth Circuit Court of Appeals regarding the trespass convictions.

### Recommendations (Chapter XIII)

#### Recommendation 1

Plans for opening a portion of the Island for shared civilian-military use on a limited and controlled basis should begin immediately with a schedule for hunting, fishing, and religious ceremonial use.

Comment: The waters around the island are routinely opened to fishermen when operating conditions permit. On the island itself however, there are safety and legal (liability) problems; the island is a very dangerous place because of the unexploded ordnance hazard. Recreational visits and visits for religious ceremonies would have to be under strict military control with qualified ordnance experts and medical personnel available. Even so, and with waiver of government responsibility executed beforehand, the government could still be held liable for injury and loss of life.

#### Recommendation 2

A volunteer program should be established so that the talents of archaeologists, historians, or others may be contributed to the project on a voluntary basis.

Comment: There are safety and legal impediments as indicated in the comment on Recommendation 1. In addition, it appears that acceptance of voluntary services without Federal statutory authority therefore may not be lawful. 31 USC 665(b); 30 Op. Atty. Gen. 51 (1913).

#### Recommendation 3

Additional staff should be hired to aid the archaeological team in its investigation of Kaho'olawe; and the use of Hawaiian historians should be encouraged.

Comment: The firm of Hawaiian Marine Resources is under contract to the Navy to conduct archaeological studies on the island. The head of this firm has expressed satisfaction with the number of people he has available for the field work. As he points out, about three days in the office are required for each day in the field for his team. Additional people would not necessarily be helpful in view of the high professionalism demanded by this firm.

#### Recommendation 4

The \$50,000 appropriated by the 1977 legislature for the archaeological study of Kaho'olawe should be released for use by the Department of Land and Natural Resources.

Comment: The Navy concurs. The non-release of these funds has hampered the State's efforts to work with the Navy in the survey of Kaho'olawe.

#### Recommendation 5

Archaeological work in the target area should be expedited.

Comment: The survey of the impact area is complete. The nominations are under preparation.

#### Recommendation 6

Processing of applications for registering eligible sites with the National Register of Historic Places should begin immediately rather than waiting until the whole Island has been surveyed.

Comment: This is underway but progress has been hampered because the State, due to lack of the funds mentioned in Recommendation 4, has not been able to discharge its contractual responsibilities in the preparation of nominations.

#### Recommendation 7

Kama'aina witnesses (meaning native born persons familiar with the culture and life-style of an area), selected by the Department of Land and Natural Resources, should be used as resources by the archaeologists and historians. (NOTE: During a visit by the Committee to the Island, one such witness was able to explain things to the archaeologist and

to point out matters of interest to the visiting party that may otherwise have gone unnoticed or in some way have been misinterpreted.) The Committee recommends the careful selection of such witnesses and the selective use of their resources by the archaeologists and historians.

Comment: The Navy concurs. The use of such knowledgeable witnesses should be a part of any professional research. Perhaps the Committee would be willing to provide such a list.

#### Recommendation 8

As negotiations progress at the State or Congressional level, keep all concerned citizens informed. Many have stated their interest and deserve to be kept aware of official progress toward a solution.

Comment: This is a proper matter of concern for State or Congressional negotiators.

#### Recommendation 9

The heiau and ko'a on the island should be preserved and restoration encouraged.

Comment: The Navy has taken steps to protect and preserve heiau and ko'as by insuring that no firing is done at targets in their vicinity.

#### Recommendation 10

A review of the data presented by the Navy indicates that Kaho'olawe is important primarily to the Navy and the Marine Corps. It appears that the Army, the Submarine Force Pacific, the Air Force (other than the Tactical Air Support Squadron), and the Coast Guard could do without the use of Kaho'olawe as a target island. The Committee recommends that the Navy and Marine Corps look into scheduling and coordinating activities on Kaho'olawe because though this is said to be going on now, improved coordination is indicated.

Comment: As indicated in the cover letter, in response to the letter of July 10, 1978, there are no other areas in the Hawaiian chain or within reasonable distance where this type of Navy/Marine combined arms training can be accomplished.

#### Recommendation 11

The Navy should accurately define the role of Kaho'olawe in terms of its place within the total military training plans in the State.

Comment: The meaning of "accurately define the role of Kaho'olawe in terms of its place within the total military training plans in the State" is unclear. The Navy, the Marine Corps, the Army, the Coast Guard, and the Air Force have explained why and how they use the island.

#### Recommendation 12

Because of the lack of supporting data, the lack of standard criteria, and the attempt to justify the existing rather than seriously examine alternatives for the future; the THIRD Fleet study on the Island of Kaho'olawe should no longer be represented to the public and the Congress as a valid study on the military need for Kaho'olawe.

Comment: The study referred to is the CINCPACFLT study, not the THIRD Fleet study. The confusion is understandable since the cover sheet does not clearly identify it as the CINCPACFLT study.

The Navy does not agree with the Committee's contention that there is a lack of supporting data. Part of the problem here lies in defining what is "data." Webster's Collegiate Dictionary defines "data" as follows:

1. "Something given or admitted especially as a basis for reasoning or inference,
2. Factual material used as a basis especially for discussion or decision."

According to this dictionary definition of "data", the study is accurate and valid. The document is 70 pages in length and legal aspects, environmental aspects, utilization of the island by the military, requirements and impact of loss of the island, alternatives, clearance of ordnance, and community interest in the island.

Apparently the Committee used the word "data" in a narrow sense, i.e., numerical data. For example, starting at the bottom of pl07 the Committee study says:

"To make a reasonable judgement about the figures provided by the Navy, more information is needed. Including:

1. The total hours of occupation prior to 1974, for a period of at least five years.

NOTE: When the Navy was asked this question they referred the Committee again to the CINCPACFLT study. The information there is inadequate.

2. The number of times an "activity" actually required use of the island and the time involved for that usage. Transport time to and from the Island should not be included - practice time only.

3. The actual schedule of usage in years prior to and following 1974.

NOTE: Questions on scheduling were said to have been too difficult to answer because of the amount of paperwork involved in looking back over several years usage. Unfortunately, this precludes the study from substantiating whether or not Naval use increased only after the protests began."

It is true that the sort of numerical data apparently wanted by the Committee would involve a large expenditure of man-hours. Since OCT 1977 the Navy's scheduling organization for Kaho'olawe has been recording usage data in a computer data bank. "Raw" data can be made available back only to 1973. It is very questionable whether or not collecting and storing of this data in a computer system is financially warranted.

Apparently the main reason the Committee wants such data is to substantiate "whether or not Naval use increased only after protests began". The answer to that is simple: Usage has increased in recent year but not because of protests. A major reason for the increase is that the Marine Brigade at Kaneohe has been substantially increased in size in the past 3 years. Furthermore, a change in the rotation policy for Marine Corps units in the Pacific has required the Brigade to maintain an enhanced combat readiness status. The implication in the Committee's question is that the Navy reacted to the protesters by arbitrarily increasing its use of Kaho'olawe Island. Such a response would have been totally irresponsible on the part of the Navy. It is inconceivable that it and/or the Marine Corps would move several hundred men to a new permanent base simply as a ploy to counter criticism by activists.

The charge that there is a "lack of standard criteria" is difficult to respond to because it is a nebulous charge. It is a fact that all the users of the island (Navy, Marines,

Air Force, Army, and Coast Guard) have specific established training requirement for their combatant forces. For Hawaii-based units there are simply no practical alternative to Kaho'olawe for meeting some of these requirements. It is true that these forces could be moved to the mainland for training. The reasons why such a move is not practical are obvious:

1. the disruption to the strategic deployment of forces would weaken the ability of Pacific Forces to carry out its mission as dictated by national policy.

2. the cost in dollars would be enormous, especially for a permanent relocation of forces.

3. the cost in dollars for temporary deployment of forces to the mainland would also be prohibitive. The impact on the morale of thousands of servicemen and women and their families of unnecessary (as would undoubtedly be perceived by them) additional family separations could be very disruptive. Not only should their morale per se be of highest priority concern but the probable adverse effect upon retention could be most serious.

4. A temporary deployment before a major deployment will not help the problem.

As to the contention that there has been no "serious examination of alternatives for the future", I would once again point out:

(a) For the foreseeable future there will be a need for the type of conventional warfare training that is conducted on Kaho'olawe Island. The heaviest user of the Island for training is the Marine Brigade stationed in Hawaii. The island is the only place in the Hawaiian chain where combined arms training can be conducted. Combined arms training is the coordination of infantry, artillery, air and naval gunfire.

(b) Alternative sites in the Hawaiian chain have been studied and, as reported in the CINCPACFLT study, none are suitable alternates to Kaho'olawe.

(c) The no-use alternative is being studied now. Preliminary results show that not using Kaho'olawe would result in:

(1) decreased combat readiness, especially for the Marine Brigade and the Hawaii-based surface ships of the Navy, or

(2) moving forces elsewhere for some parts of their training. As discussed above, such move, either permanent or temporary, would have far-reaching effects on strategy, costs, and morale of the forces.

(d) We anticipate the amount of live ordnance used on Kaho'olawe will be reduced in the future. The introduction of the "puff" round and the on-going research into additional non-explosive ordnance is part of this effort.

#### Recommendation 13

Because the stated needs of the military presently require the use of only a portion of the Island, plans for clean-up procedures and safety guidelines to permit the opening of other areas of the Island on a shared but controlled use basis should be initiated.

Comment: This matter is under study.

#### Recommendation 14

When considering alternatives to Kaho'olawe, the Navy should look into a number of different areas which, with the proper scheduling and coordination could satisfy their total training needs.

Comment: As has been stated by the Navy, and as pointed out again in the cover letter, there is no other area in the Hawaiian chain where certain training, principally combined arms training can be conducted. San Clemente Island, off southern California, is the only other site which might reasonably be considered. However, unlike Kahoolawe, the full range of combined arms training cannot be conducted at San Clemente.

#### Recommendation 15

A compromise, whereby aircraft training need not be moved to San Clemente but shared in other training areas, should be arranged. At the same time, ship bombardment could be concentrated at San Clemente and coordinated, for homeported ships, with cruises.

Comment: This recommendation is vague. Again, there are no Hawaiian areas, other than Kaho'olawe, where the coordination of aircraft, artillery, troops, and naval gunfire can be practiced. The recommendation that homeported ships go to

San Clemente ignores that fact that these ships deploy to the West, not East. If the intent is to send them first to San Clemente and then to the Seventh Fleet in the Western Pacific the recommendation ignores several things:

- a. adding approximately two months to ships' deployments.
- b. the effect upon the morale of the crews and their dependents of such unnecessary time away from homeport, which would ultimately affect retention of career sailors.
- c. the considerable additional expense involved.

#### Recommendation 16

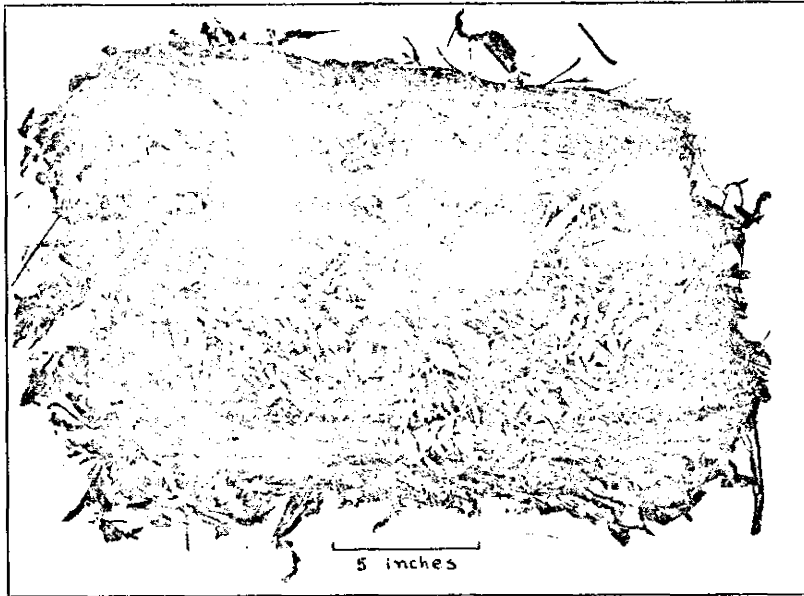
The military should consider increased training by simulator.

Comment: The military uses a wide range of simulation devices in its training. They are valuable and serve to enhance the efficiency of training programs. However, there is a limit to what can be simulated. For example, many driver education courses in school use automobile simulators. But no one would suggest that a trainee be licensed to drive without practice on the highway in a real automobile. By the same token, it should not be suggested that a pilot go into combat without having actually fired the aircraft's guns or having dropped a bomb on a target. The same applies to a ship. Recently a Reserve officer, who had no prior shipboard experience, was on board one of our ships during a naval gunfire exercise. Afterward he said, "You just cannot imagine what it is like until you do it. No textbook or simulated training prepared me for the shock that went through the entire ship when the gun fired. And nothing in the book impressed me with the degree of coordination that is required until I saw that crew at work. It was quite an experience."

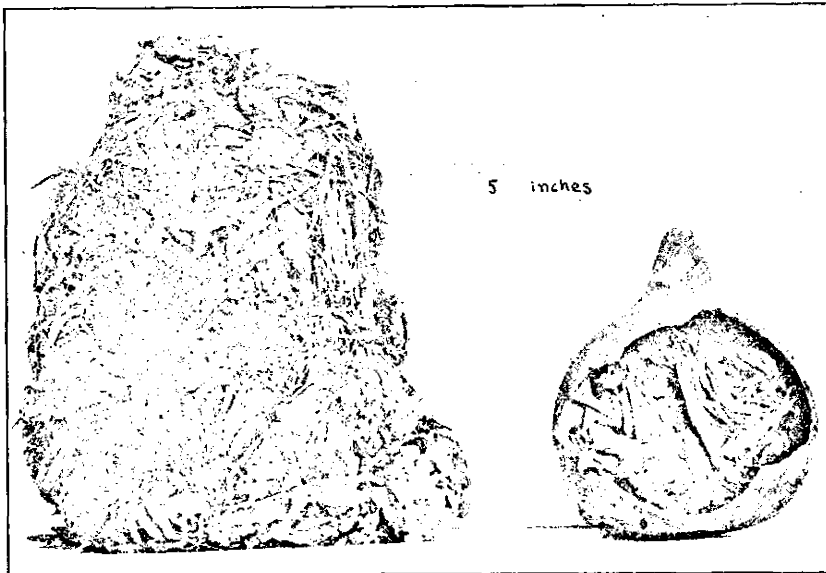
#### Recommendation 17

The Navy should clean-up by increments, moving inland from the seashore areas. Clean-up plans should be expedited.

Comment: As mentioned before, clean-up will be a massive undertaking and there are technical problems with detection equipment that have not been resolved. Surface clearance efforts behind the troop safety lines are a continuing program. For instance, Marine Explosive Ordnance Disposal personnel have cleared more than 10,000 items of explosive ordnance from the western end of Kaho'olawe. They estimate



A



B

BUNDLE OFFERINGS FROM FISHING SHRINE, KAMOHO BAY (SITE 30): A, BUNDLE OF LEAVES AND GRASS, NOT OPENED; B, BUNDLE OF TAPA AND GRASS, NOT OPENED; AND GOURD WHICH CONTAINS TAPA, FISH JAW, FISH BONES, PIECES OF BASALT, AND SUGAR CANE.

the area is 80 percent surface cleared. However, even the most thorough of surface clearance efforts do not result in a 100 percent clearance due to ordnance buried just below the surface being periodically revealed by wind and water erosion.

Recommendation 18

While bombing continues, the Navy should determine and record the locations of suspected unexploded missiles or other ordnance.

Comment: This idea has some merit and will be studied. Whether or not such information would be of such value in clean-up efforts as to justify the effort to obtain it is debatable.

Recommendation 19

Concentrate on clearing those areas which can be opened on a controlled basis for civilian use for such activities as hunting and sustenance fishing, with consideration given to the people of Makena for non-commercial fishing.

Comment: See the comments on Recommendations 1, 2 and 13.

Recommendation 20

Immediate plans for the opening of Hanakanaea and Hakioawa beaches for limited and controlled public use, with security measures coordinated with Maui County, should be made.

Comment: See the comments on Recommendation 1, 2, and 13.

Recommendation 21

Whenever available, use of military personnel (EOD's) in the clean-up, primarily in the beach areas, should be considered, thus reducing projected costs.

Comment: Clean-up efforts would necessarily be under the direct control of qualified Explosive Ordnance Demolition personnel. However, the use of military personnel is not free. Qualified personnel are not available in large numbers and already carry the burden of regular deployments.

Recommendation 22

Use of the Island for demolition training, not in terms of destruction but in terms of clean-up, including underwater

demolition training, and get rid of some of the problem ordnance (unexploded) in the process. Ilio Point is one area that may be considered for this kind of clearance.

Comment: Underwater demolition of unexploded ordnance could present some ecological, e.g., destruction of coral and possible harrassment of marine life. Also, ordnance clearance on Kaho'olawe is not training. Training involves trial and error and there is no room for this in ordnance removal.

#### Recommendation 23

The Navy should base their projections on the economic impact to Hawai'i of removing Kaho'olawe as a target Island on actual facts and hard data. Otherwise, their projections must be regarded as invalid guess work.

Comment: It is not clear what Navy "projections on the economic impact to Hawai'i of removing Kaho'olawe..."are alluded to in this recommendation. The Navy has no intention of using "economic blackmail" (see page 174 of the Committee Study) in arguing its case. What the Navy has said is that loss of Kaho'olawe would mean a choice between reduced combat readiness of Pacific forces and possible relocation of some forces.

#### Recommendation 24

A major replanting effort on the Island should begin immediately, with the military supporting State efforts in this area.

Comment: The Navy and Forestry Division of the State Department of Land and Natural Resources have already developed plans for a major replanting effort. However, on the recommendation of State Forestry personnel, replanting has been held in abeyance until the island has received enough rainfall for the seedlings to survive. These conditions have not been met in recent years.

#### Recommendation 25

The State Department of Land and Natural Resources should be given reasonable access to replant and to maintain the replantings.

Comment: See comment on Recommendation 24.

#### Recommendation 26

The Department (DLNR) should be provided transportation by the military to and from the Island while planting and then periodically thereafter for maintenance.

Comment: The Navy has and will continue to cooperate with the State in the logistics of the conservation efforts.

#### Recommendation 27

The planting of native vegetation in the shore areas outside the target range should begin.

Comment: See comment on Recommendation 24.

#### Recommendation 28

For elimination of goats, establish a public hunting program in conjunction with Maui County and the Department of Land and Natural Resources and the Navy with the understanding that the hunters go on the Island at their own risk.

Comment: See comment on Recommendation 1.

#### Recommendation 29

Consider a live roundup of goats which could later be sold at public auction.

Comment: See comment on Recommendation 1. It is possible, with a great deal of effort, to roundup some of the goats. However, because of the costs involved in rounding up and transporting the goats, and the holding of a public auction it is not an economically feasible proposition. The National Park Service has tried this in other areas of the State and found it not economically feasible. Very few goats have been spotted from the air or the ground in recent months.

#### Recommendation 30

Annual environmental impact statements should continue while the Navy retains control of the Island.

Comment: This requirement is currently on appeal in the courts.

#### Recommendation 31

With the Committee setting guidelines and overseeing procedures, the Navy and representatives of the State should enter into serious negotiations to:

a. Establish a schedule of activities concerning Kaho'olawe.

b. Determine which areas can be opened for limited, controlled civilian use.

c. Reach an amicable settlement and together plan for future of the Island with public input assured by Committee procedures, such as public hearings.

Comment:

a. Because of the dangerous environment on the Island and the fact that the Island is federal property, the Navy would have to be the final authority in all activities on the Island.

b. See Comment on Recommendation 1.

c. An amicable settlement is certainly desired by the Navy. On August 9, 1978, Navy representatives and representatives of the Executive Branch of the State government signed a Memorandum of Understanding on the issue of Kaho'olawe. The MOU is an important first step toward reconciling differences in the Kaho'olawe controversy.

Recommendation 32

Recognize Kaho'olawe as one of the symbols of the Hawaiian renaissance and a key to the roots of Hawai'i.

Comment: This is a matter for determination by the State.

Recommendation 33

Oral history studies concerning Kaho'olawe should be continued and suitably recorded.

Comment: Agree.

Recommendation 34

The original Hawaiian place names for various areas of the Island should be maintained.

Example: Hanakanaea, rather than "Smugglers' Cove".

Comment: Efforts are being made, in cooperation with the Bishop Museum, to locate the proper Hawaiian place names and to correct apparent misspellings found on previous maps.

### Recommendation 35

As a long-range project, a plan should be developed, utilizing Kaho'olawe as an education tool for students whereby Hawaiian history and culture may be learned in a first-hand manner with visits to the heiau, ko'a, village sites, religious areas, and so forth.

Comment: See comment on Recommendation 1. The whole question of the historical significance of Kaho'olawe is tied to the archaeological studies currently in progress. To date it appears that, although over 150 archaeological sites have been identified, it is questionable whether they represent unique (to the other Islands) historical significance.

### Recommendation 36

The Committee should look into producing, through grants from agencies like the Hawaii Committee for the Humanities, an educational television program which gives an objective view of the many facets of the Kaho'olawe issue.

Comment: Concur

### Recommendation 37

Recognize the value of the ancient philosophy and concepts as they might apply to the present-day-life-style (including ho'oponopono, 'ohana, pule and others).

Comment: None.

### Recommendation 38

The Committee should establish guidelines and terms for the negotiation efforts, and otherwise keep a close watch over all proceedings regarding Kaho'olawe and its future. The Committee should provide for procedures whereby community input will be assured, possibly through public hearings.

Comment: The internal procedures followed by a State Government are not within the purview of the Navy to comment.

## Remarks by Captain Crockett

Chairman Yuen and Committee members, good evening. I am Captain Crockett representing the U. S. Navy. As most of you know, I am the Kaho'olawe project officer, and would like to respond for the Navy at this time. In the interest of saving time, these remarks are limited to a few salient points and will be followed by additional written testimony to be delivered to your office not later than 1 August.

First of all I would like to compliment the Committee on the extensive effort that went into the preparation of this report. It is a useful document for any person who is interested in the question of Kaho'olawe Island.

I can see that the legislative research bureau and especially MS. Bina Chun is most deserving of credit. The Navy is highly appreciative of her research work.

After reviewing the report, the Navy cannot accept some of the study's recommendations and methodology, and feels that criticism in certain other areas is also justified. This is given in the spirit of cooperation and joint concern, and is an attempt to improve this document prior to its being presented to higher levels. The Committee's report was finalized after the opening of the 1978 legislature. Since that time a number of events have occurred and I think it is appropriate to mention them to you to bring you up to date. First, the survey of the impact areas for possible historic sites has been completed. A survey team, supported solely by the Navy, has visited the island in April, May, June and July. Continuation of monthly visits is planned. Our efforts are designed to locate, record and preserve these sites as in the past. Second, the process of nominating the appropriate site to the Keeper of the National Historic site register has been in progress for some months. The first drafts of these forms were done under state of Hawaii auspices, and in the opinion of Dr. Murtaugh, the keeper, needed to be revised. The forms were delivered in early June to the State historic preservation officer for that revision, after the Department of Interior suggestions were received. The island is in the process of being nominated as a multiple resource, as was proposed by Dr. Murtaugh earlier this spring.

As to reforestation, unfortunately, this winter like last year was quite dry, so no planting was accomplished. This decision was based upon the recommendations of state forestry personnel. We have continued to reduce the goat population in order to provide the best environment for plant survival.

And the last item - I think you are all aware of the public hearings held throughout the state by the Navy in April and May concerning the Supplement to the 1972 Environmental Impact Statement. That testimony is being incorporated into the supplement, and the proposals are being considered.

For comments on the actual report, the study suffers from not having its oral sources identified, and from not having a bibliography. There are several segments which appear superfluous. The most serious criticism of the report I would make is this: Although it states on page 16 that "the purpose of the Committee was to conduct a factual investigation of the issue and to seek objective and valid answers to questions that were usually emotionally posed," I submit to you that the report, especially the Committee's comments, is very subjective, not objective.

This subjectivity is demonstrated by the inclusion of nonpertinent events in the chronology, by incomplete quotations from military officials and by insensitivity to the adverse impact of your recommendations on military personnel.

Numerous times in the report the Committee condemns the Navy for not providing "Substantive" data. We have tried to answer all queries and while you condemn the Navy for what you perceive as a lack of data, your Committee comments and recommendations are almost completely devoid of any data themselves.

As an example, at the bottom of page 111 the question is asked: "Do the military benefits of keeping the island as a target outweigh those of returning it to the state?" Until adequate data to the contrary is provided, the Committee can only speculate as to whether the target benefits outweigh the benefits which would accrue through its return to the state".. My question here is: What are the benefits to the state? Where is the substantive data to provide such benefits? What would be the practicality of use by the state? What would be the costs to the state? In other words, should not your Committee have data on both sides of the question instead of just one? A report which is speculative cannot (by definition) be objective.

The study in many places shows a lack of comprehension of the complexity of military operations and for the responsibilities laid upon the Armed Services by the President and the Congress. The business of tactical operations is

technical, complicated and not easily understood. The assumptions, reasoning, conclusions and recommendations arrived at in the chapters on military operations and alternatives are generally unrealistic. The Committee is correct in that the format of the next conflict is not predictable. Nevertheless, military forces are required to be ready for whatever may occur. The types of conventional training conducted at Kaho'olawe represent the best use of existing arms that can be envisioned. The competency developed will hold seaman, airman and infantryman alike in good stead if and when the next war develops. To do less would be to short change both the men involved and the United States of America which they stand ready to defend, and Hawaii is part of that Nation.

The Navy stands ready to explain more thoroughly its position on why and how Kaho'olawe is used, and why there are not suitable alternatives, if the committee so desires. May I point out that when a major briefing was requested of the Navy, and given last fall, only two members of the Committee and the primary researcher attended.

On page 118 the study says: "When reviewing the U. S. military presence in the Pacific, it appears that Hawaii is not the center of the universe around which the protection of the United States revolves. Like Korea, it may be more a political benefit and a comfortable way station than a military necessity". Honestly, I find a comparison of Korea with Hawaii difficult, if not impossible to grasp.

In that quote, the Committee minimizes the value of Hawaii to the military. But on page 167 in another part of the study it says: "on the other hand, the value of Hawaii to the military cannot be overlooked:

1. Hawaii is strategically located in the Pacific.
2. Pearl Harbor is a highly developed port providing services to the military.
3. A number of areas in Hawaii provide good terrain for amphibious and jungle training.
4. Hawaii is noted for its good weather and consequent year round training capabilities.
5. The military has ready invested large sums for Defense facilities and recreational facilities in Hawaii (hotel at Fort Derussy, etc.).
6. Hawaii is a welcome rest and recuperation port for the troops.

7. The community generally accepts the military presence on a friendly basis".

In other words, in one part of the study you start from a premise that Hawaii is not militarily important to argue that Kaho'olawe is not needed by the military. In another part, you start from the opposite premise, that Hawaii is very important militarily, to then argue that the military would not be forced to move elsewhere if the use of Kaho'olawe for training is denied. Gentlemen, you can't have it both ways. I hope that the Brigade's presentation tonight has made the need for Kaho'olawe a little clearer for you. As to the 38 recommendations of the study, I will not address them individually at this time but I do have a few broad comments.

A. Many of the actions recommended are not within the Navy's kuleana and therefore it is inappropriate for me to comment.

B. The Navy concurs with many of the report's recommendations: #4 concerning money for archaeological survey purposes, and #25 and #26 involving the reforestation program are examples.

C. Many of the recommendations are unrealistic in that the cost of accomplishing them is not considered. (#3, 15, 22 and 29 are examples).

D. Since the study was essentially completed last December, several of the proposed action items have been overtaken by events. As I have mentioned, the archaeological survey of the impact area was completed in June. The processing of historic site nomination forms commenced several months ago and they have been in the custody of the state for revision for over five weeks. On island operations are constrained so as to preserve the heiau and ko'a that have been found.

E. The primary category of recommendations which the Navy cannot accept is where the report advocates the immediate entrance of civilians onto Kaho'olawe for various purposes such as hunting, swimming, camping and so on. The danger from unexploded ordnance on Kaho'olawe is real and great. The allowing of untrained civilian hunters on to the island is unsafe, and in the Government's opinion is therefore foolish, even if the person agrees to go at his own risk. It is also noted, that despite hold harmless agreements, the Government can be held liable for accidents resulting from unexploded ordnance. (See, Air Transport Associates v. United States, 22L F2D 467 (9th CIR., 1955) and Jayson, Personal Injury, Handling Federal Tort Claims, 1977).

- The Government is not willing to assume this liability this position is applicable in the case of recommendations #1, 2, 19, 20, 27, 28.

In summary, though the report contains much valuable background material, it cannot be considered objective, it contains unrealistic recommendations, and it has significantly outdated portions. I recommend the conclusions and recommendations be rewritten and an addendum prepared.

This completes the Navy's testimony concerning the Committee's report. Again, there will be some additional written comments. May I answer any questions from Committee members? As you may have read recently in the newspaper, I am retiring from active duty at the end of this month. Since the fall of 1975 I have been 100% immersed in the controversy over Kaho'olawe. I have found this to have been a most challenging and interesting task. I have learned a great deal about Hawaii from you, the Committee members, from the Ohana members and from other persons with whom I ordinarily would never have come in contact. I thank you for your assistance, patience, and Aloha. My relief is Captain Leo Profilet and I'd like to introduce him at this time and afford him the opportunity to say a few words.