

RESTORATION ADVISORY BOARD (RAB) MEETING

FORMER WAIKOLOA MANEUVER AREA
OCTOBER 24, 2023

The views, opinions and findings contained in this report are those of the author(s) and should not be construed as an official Department of Army position, policy or decision, unless so designated by other official documentation.



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RAB AGENDA – FALL 2023



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Opening Remarks: Government Co-Chair

Commander's Remarks.....

RAB Community Co-Chair Remarks.....

David Griffin

LTC Ryan Pevey

Pete Hoffmann

Board Administration

- Introduction and nomination of Nancy Charles-Parker

Old Business

- Approval of Spring 2023 Minutes
- Action Items from Spring 2023 RAB
 - South Kohala Development

New Business

- ROE Signing Day

Work Status Update

- RI/FS (Remedial Investigation/Feasibility Study) – Projects 01, 20, 21, 23
 - Proposed Plan – Project 19
- RD (Remedial Design) – Projects 02/04, 10
- RA-C (Remedial Action-Construction) – Project 02
- Five-Year Review – Projects 07, 22

WMA Outreach.....

Edwynna Brooks

Questions/Discussion

Open

Closing Remarks

David Griffin



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BOARD ADMINISTRATION



➤ Governance

- Approval of May 23, 2023 Meeting Minutes
- Introduction and nomination of Nancy Charles-Parker

➤ Old Business

- South Kohala Development

➤ New Business

- Right of Entry Open House – USACE Waimea Office
 - Drop off a signed Right of Entry
 - Get a new Right of Entry printed
 - Q & A about Right of Entry

CERCLA PROCESS



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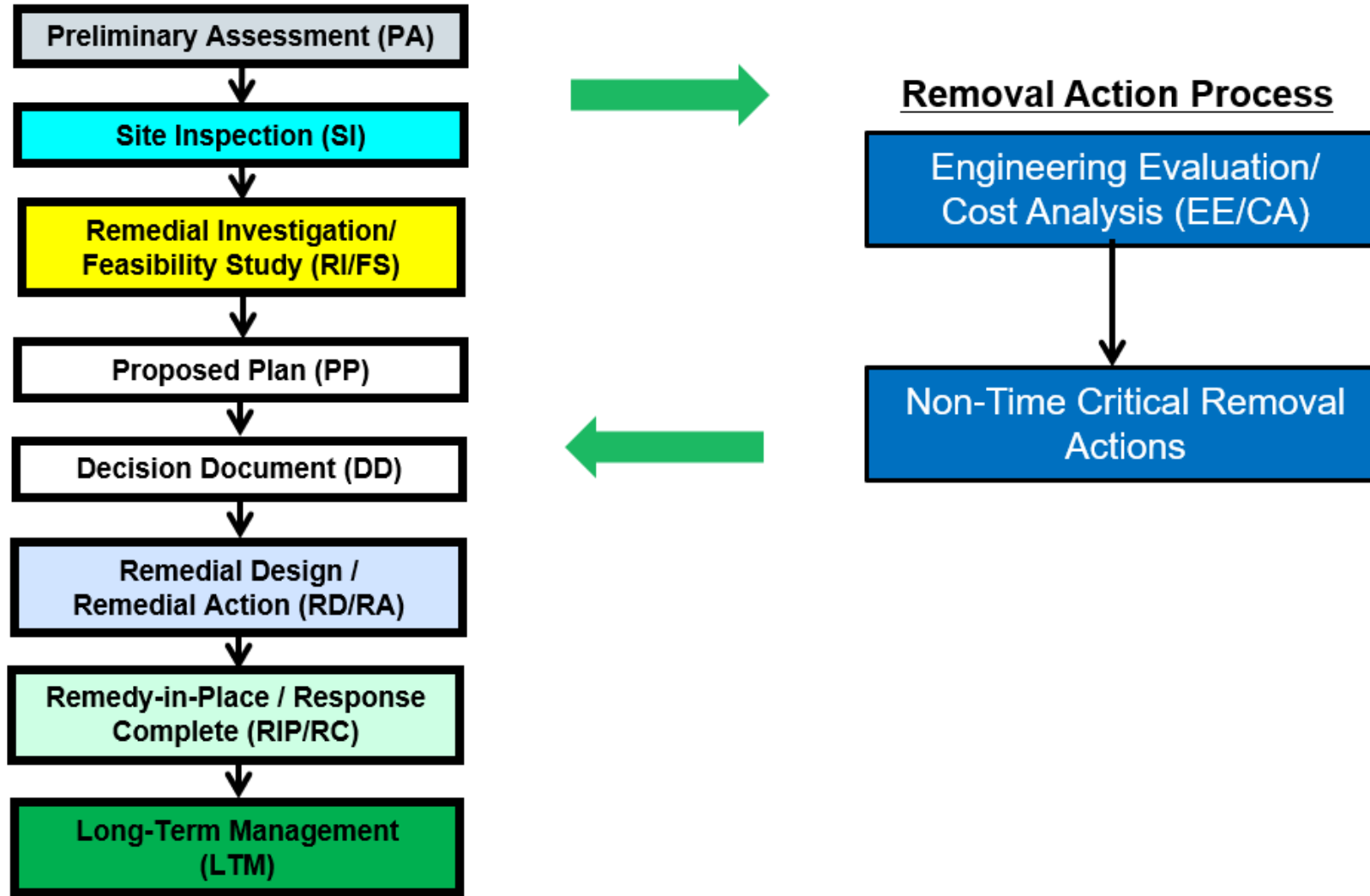


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CERCLA PROCESS



CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act

WORK STATUS UPDATE



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2023 PROJECT AREAS



2023 HAWAII FUDS PRIORITY RANKING FOR WAIKOLOA MANEUVER AREA

2022 WMA Ranking	2023 WMA Ranking	Project No.	Project Name	Phase	MRSP
1	1	02	Areas B,O,Q&J-Cleared	RA-C	3
2	2	04	Areas B,O,Q&J-Remnants	RD	3
4	3	22	Area P	RA-C	3
7	4	10	Sector 17D	RD	2
8	5	20	Sector 16A-E	RI/FS	5
10	6	21	Sectors 17A,B,C,E&F	RI/FS	2
5	7	01	Areas A and G	RI/FS	3
9	8	23	Area F	RI/FS	3
14	9	11	Area E	RI/FS	3
12	10	18	Area R	RA-C	2

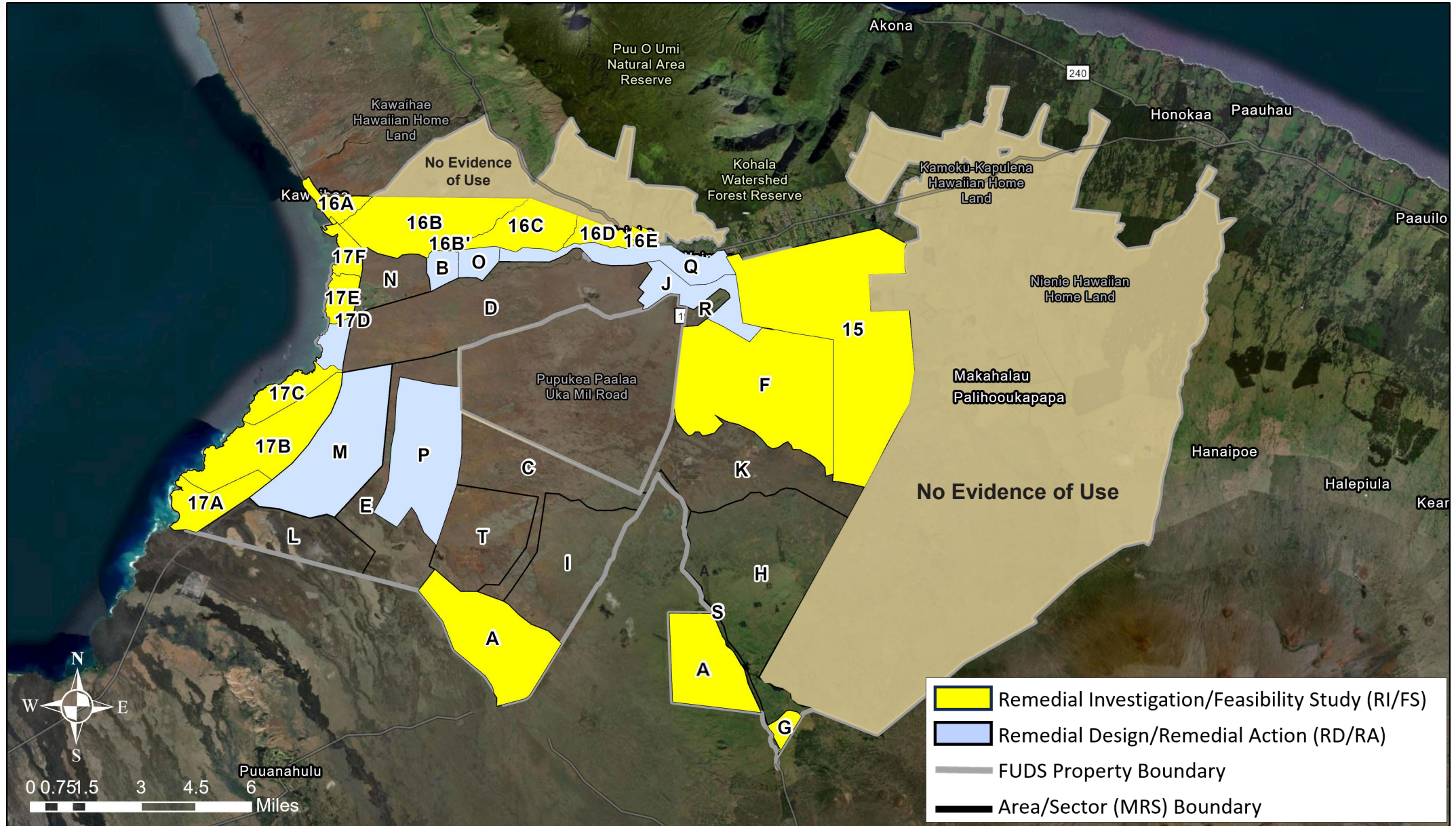
Typically
based on risk



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FY22/23 PROJECT LOCATIONS

8

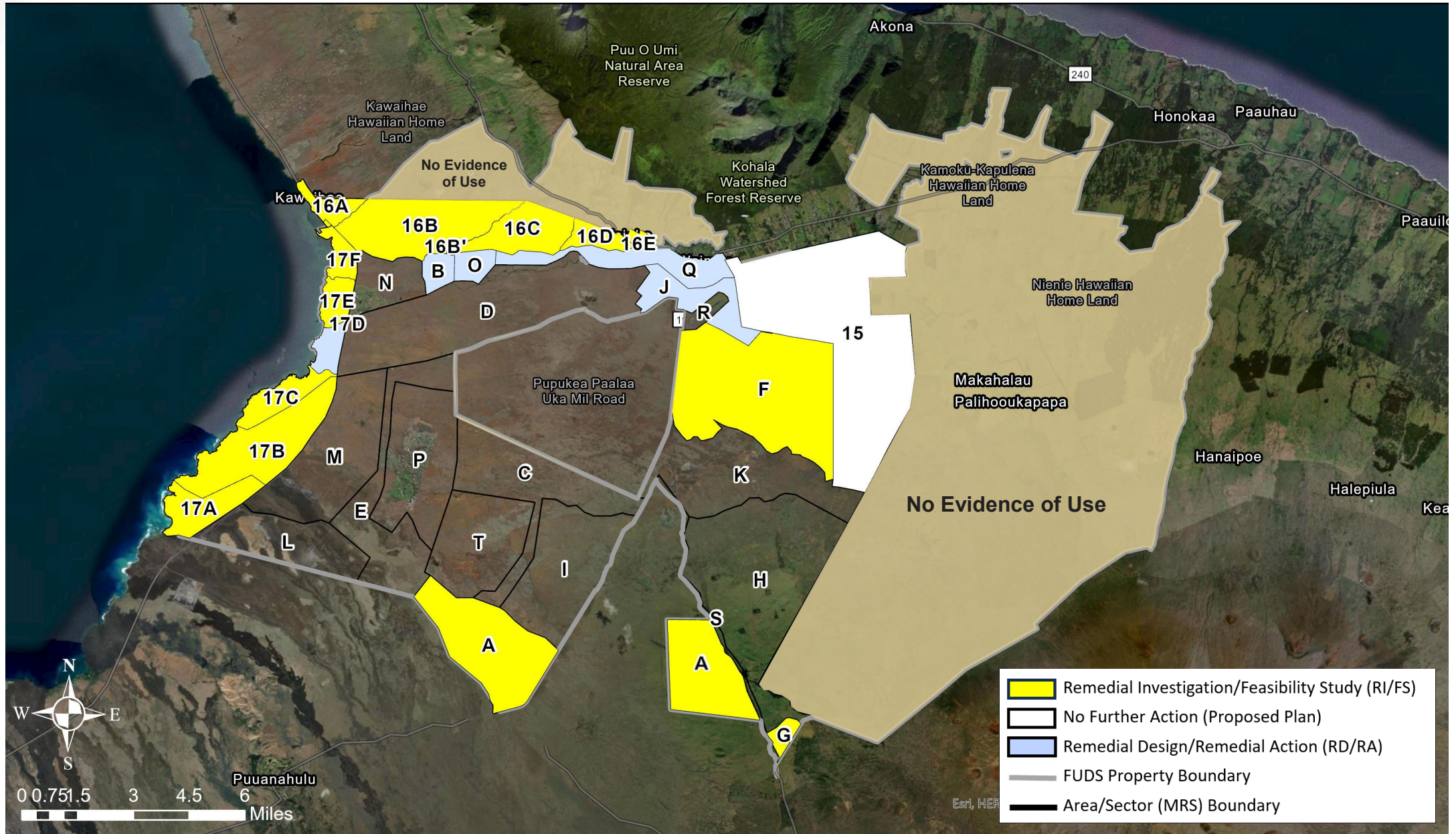




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FY23/24 PROJECT LOCATIONS

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WORK STATUS UPDATE

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CERCLA Phase

- RI/FS

- Proposed Plan

- RD

- RA-C

Project Area

- Project 01 - Areas A & G
- Project 20 - Sectors 16A, 16B, 16C, 16D, 16E
- Project 21 - Sectors 17A, 17B, 17C, 17E, 17F
- Project 23 - Area F

- Project 19 - Sector 15

- Project 02 - Area B,O,Q,J-Cleared
- Project 04 - Area B,O,Q,J-Remnant
- Project 10 - Sector 17D

- Project 02 - Area B,O,Q,J-Cleared – Lalamilo Parcel



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WORK STATUS UPDATE



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RI/FS **(Remedial Investigation / Feasibility Study)**

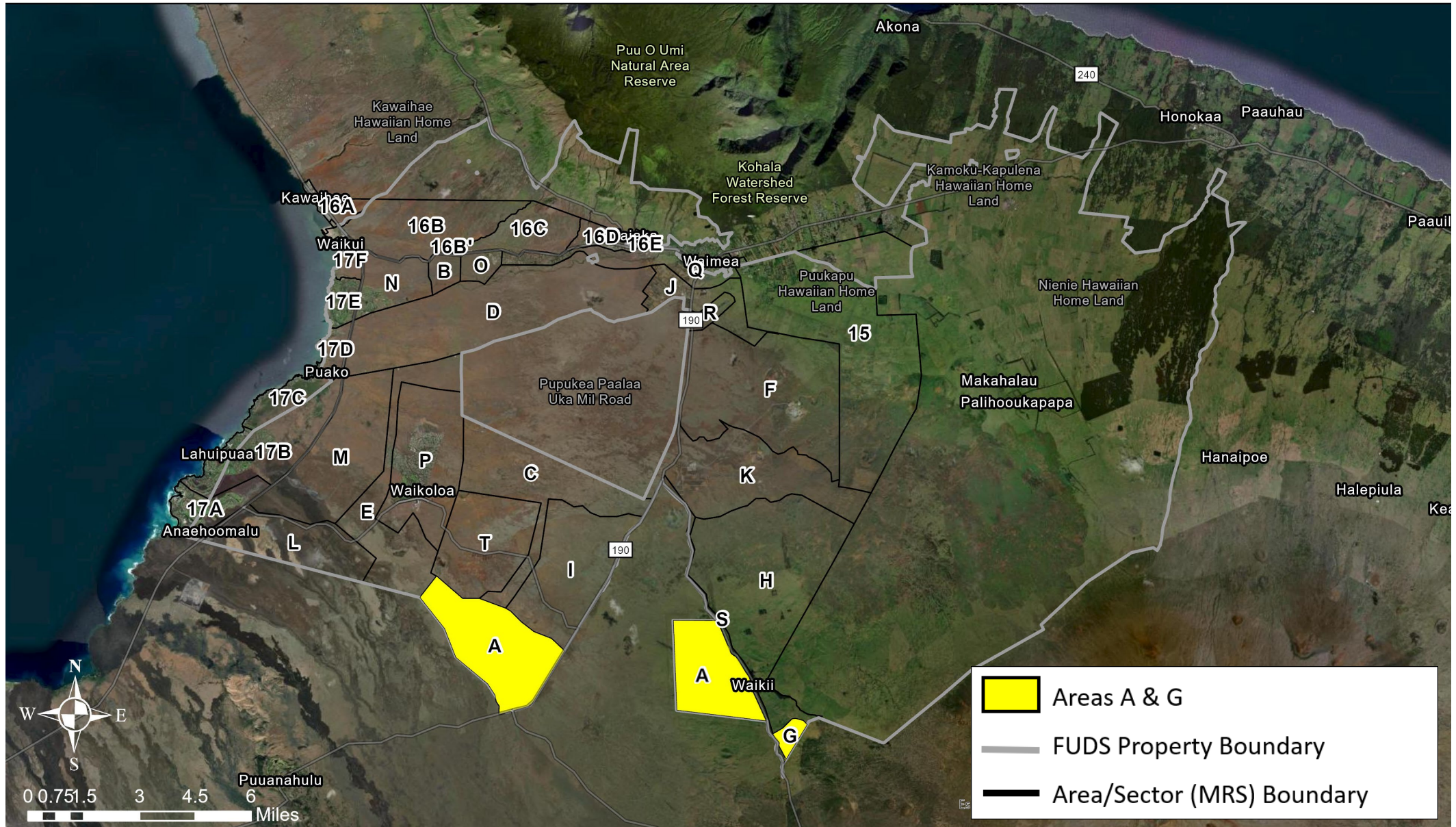
Determine Nature and Extent of Contamination



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AREAS A & G (PROJECT 01)





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AREAS A & G (PROJECT 01)

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➤ **Status**

- Draft Final Report under USACE review
- Report will be sent to Hawaii Department of Health for review
- Next steps Proposed Plan and Record of Decision



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SECTOR 16 (PROJECT 20)

16



➤ Status

- Conducted Systematic Project Planning Meeting #2
August 23, 2023
- Finalizing responses to Hawaii Department of Health
comment backcheck on Quality Assurance Project Plan
- Right of Entry letters mailed September 29, 2023
- Public Meeting scheduled for October 25, 2023
 - Waimea Elementary School 5 - 6:30 p.m.
- Field Work Begins – Early 2024*

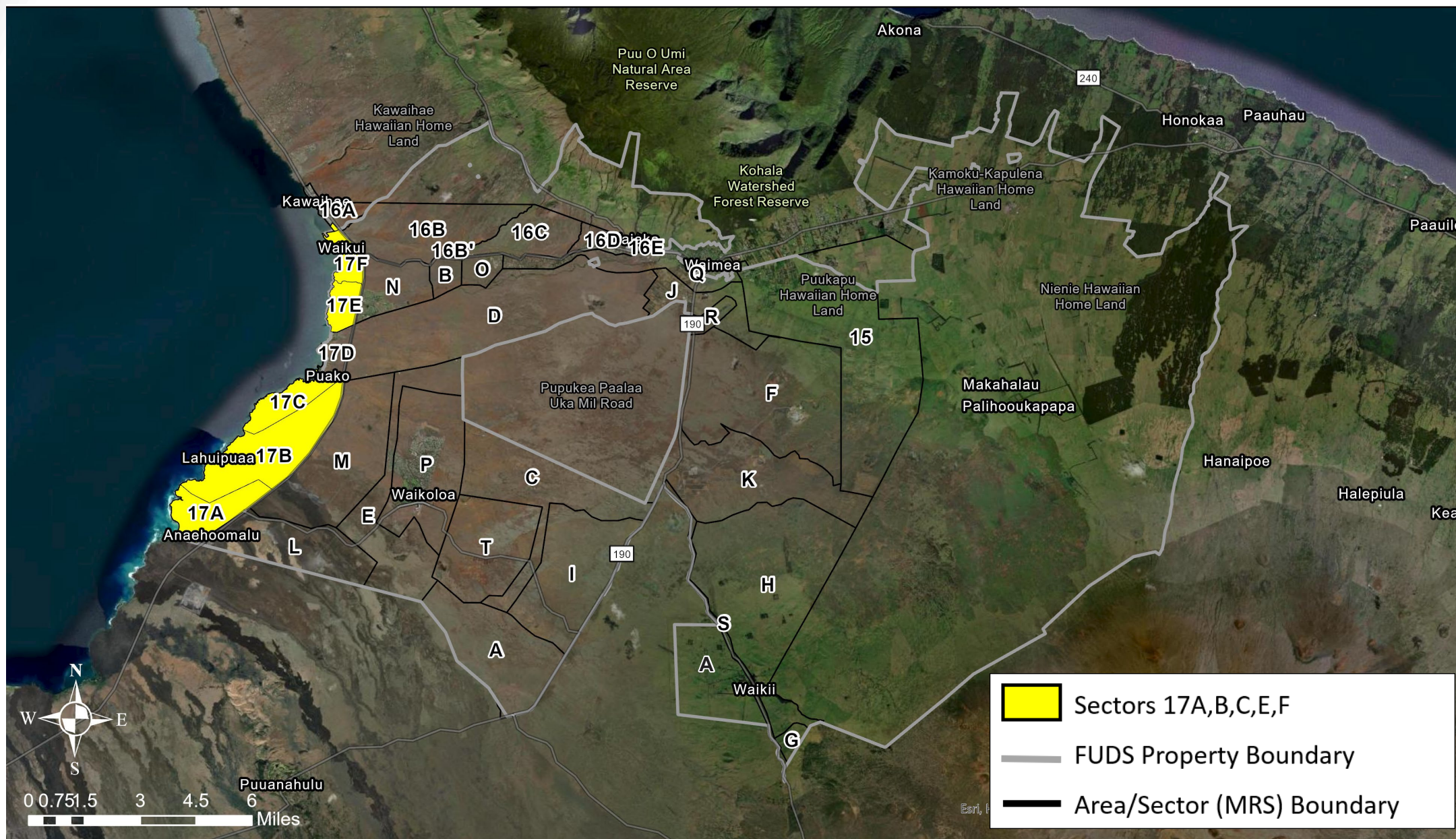
*dependent on Rights of Entry



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SECTORS 17A, 17B, 17C, 17E, 17F (PROJECT 21)

17





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SECTORS 17A, 17B, 17C, 17E, 17F (PROJECT 21)

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➤ Status

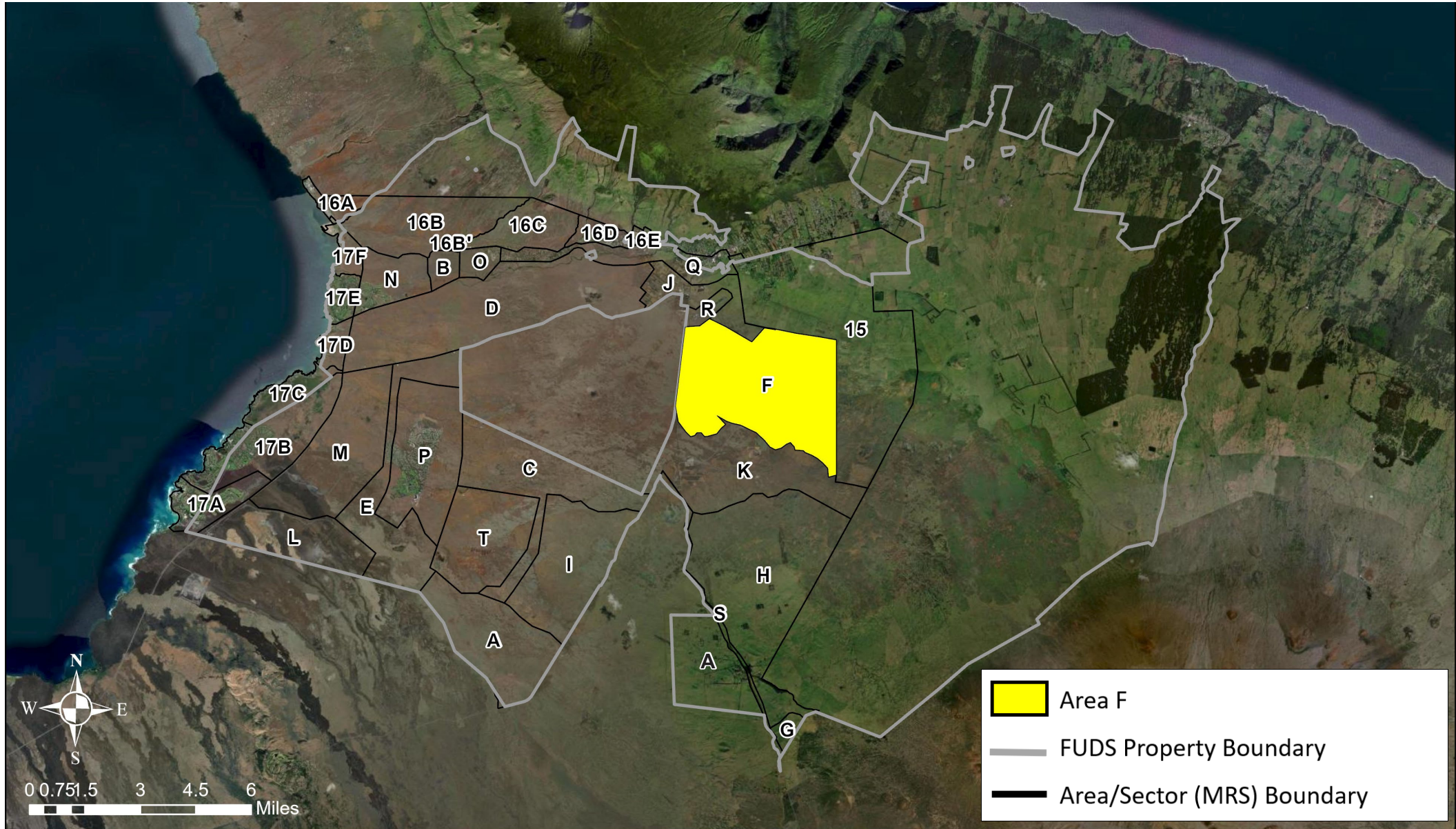
- Conducted Systematic Project Planning Meeting #2 on August 22, 2023
- Hawaii Department of Health approved Quality Assurance Project Plan on October 4, 2023
- Right of Entry letters for remaining parcels (less than 10) mailed by Hawaii Department of Health on September 29, 2023
- Public Meetings held on August 24, 2023 and scheduled for October 25, 2023
 - Mauna Kea Resort, Kauna'oa Ballroom 10 a.m.
- Field Work Begins – November 2023



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AREA F (PROJECT 23)



AREA F (PROJECT 23)

➤ Status

- Conducted Systematic Project Planning Meeting #2 on August 23, 2023
- Finalizing responses to Hawaii Department of Health comment backcheck on Quality Assurance Project Plan
- Project Meeting with Parker Ranch on August 25, 2023
- Field Work Begins – October 2023



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WORK STATUS UPDATE



Proposed Plan

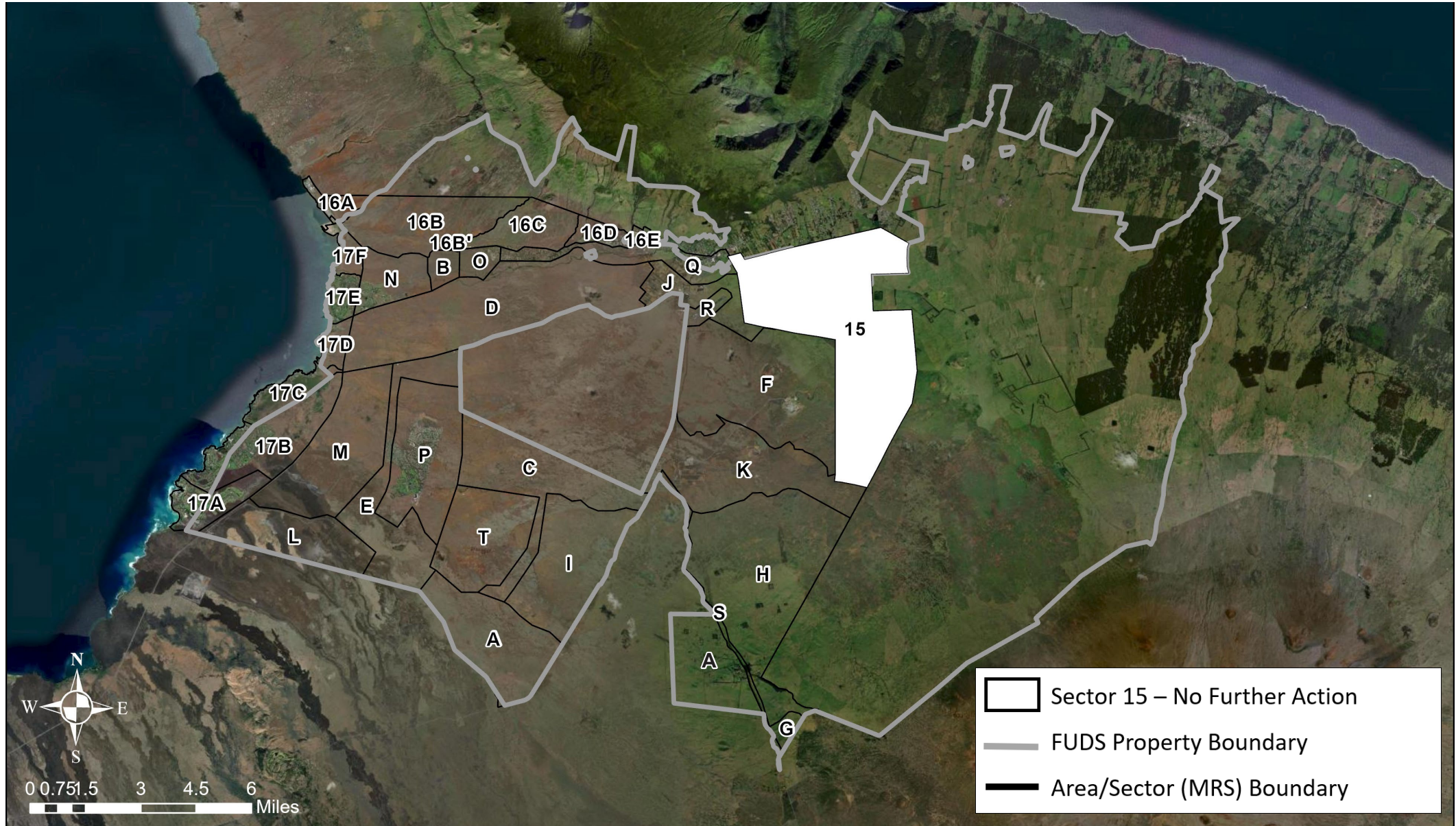
Presents alternatives for site cleanup and recommends remedy selection



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SECTOR 15 (PROJECT 19)





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SECTOR 15 (PROJECT 19)

23



➤ **Status**

- Proposed Plan was published on July 20, 2023
- Public Comment Period was held from July 24, 2023 to August 25, 2023
- Public Meeting was held on August 12, 2023
 - All comments received, were addressed and included in Record of Decision
- Draft Final Record of Decision is routing through internal USACE review prior to being submitted to Hawaii Department of Health
- On schedule for Final signed Record of Decision in late December 2023



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WORK STATUS UPDATE

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RD (Remedial Design)

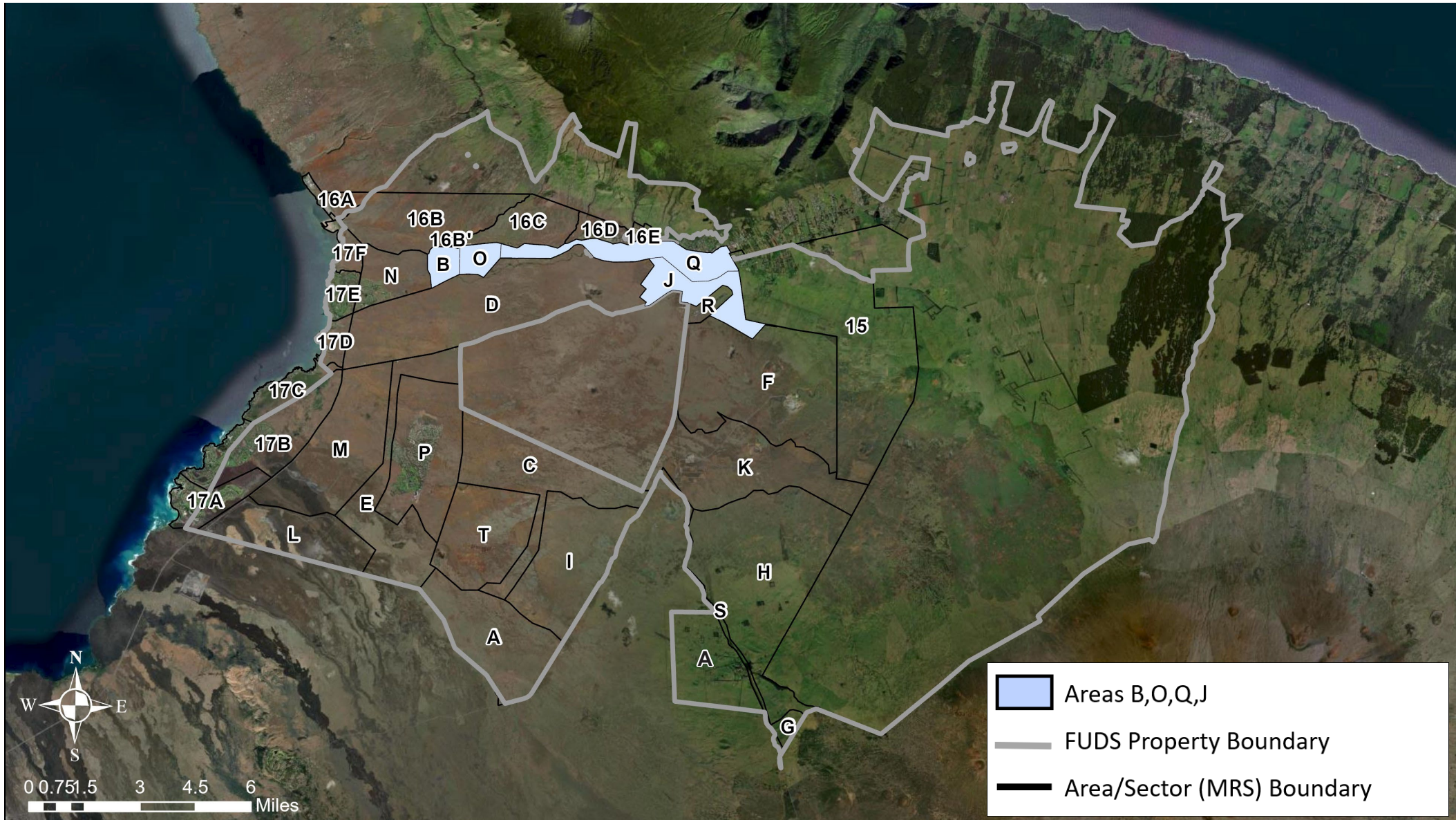
Remedial Technology Tested and Selected



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AREAS B,O,Q,J-CLEARED (PROJECT 02) AND B,O,Q,J-REMNANTS (PROJECT 04)

25





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AREAS B,O,Q,J-CLEARED (PROJECT 02) AND B,O,Q,J-REMNANTS (PROJECT 04)

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➤ Status

- Continued vegetation removal, surface sweeps, geophysical data collection, and intrusive investigations
 - Laulai, DHHL Lalamilo, Ouli Ekahi, Parker Ranch, Kanehoa, Lalamilo Farm Lots, Areas B and O, and the Garcia family lease
- Fieldwork complete in next six months
- Remedial Design Report expected late 2024



Photos: Hand grenades removed from Areas B,O,Q,J

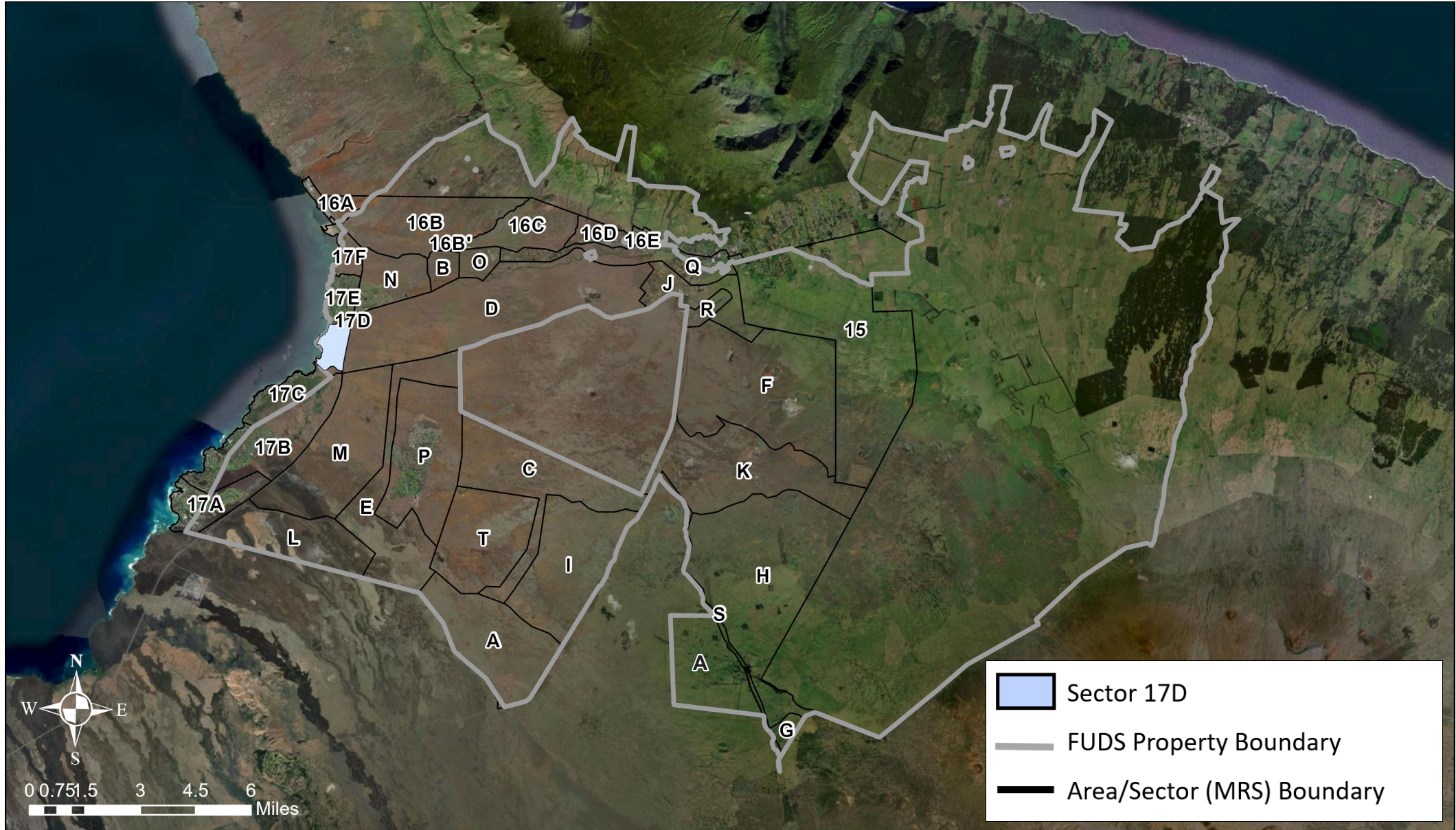




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SECTOR 17D (PROJECT 10)

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SECTOR 17D (PROJECT 10)

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➤ Status

- Conducted Systematic Project Planning Meeting #2 on August 22, 2023
- Hawaii Department of Health approved Quality Assurance Project Plan on September 7, 2023
- Right of Entry from State of Hawaii Land Division
 - Request presented at October 13, 2023 Land Division meeting
- Stakeholder Meeting held on August 23, 2023
- Field Work Begins – January 2024



Hapuna Beach State Recreation Area
located in Sector 17D



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WORK STATUS UPDATE



RA-C **(Remedial Action - Construction)**

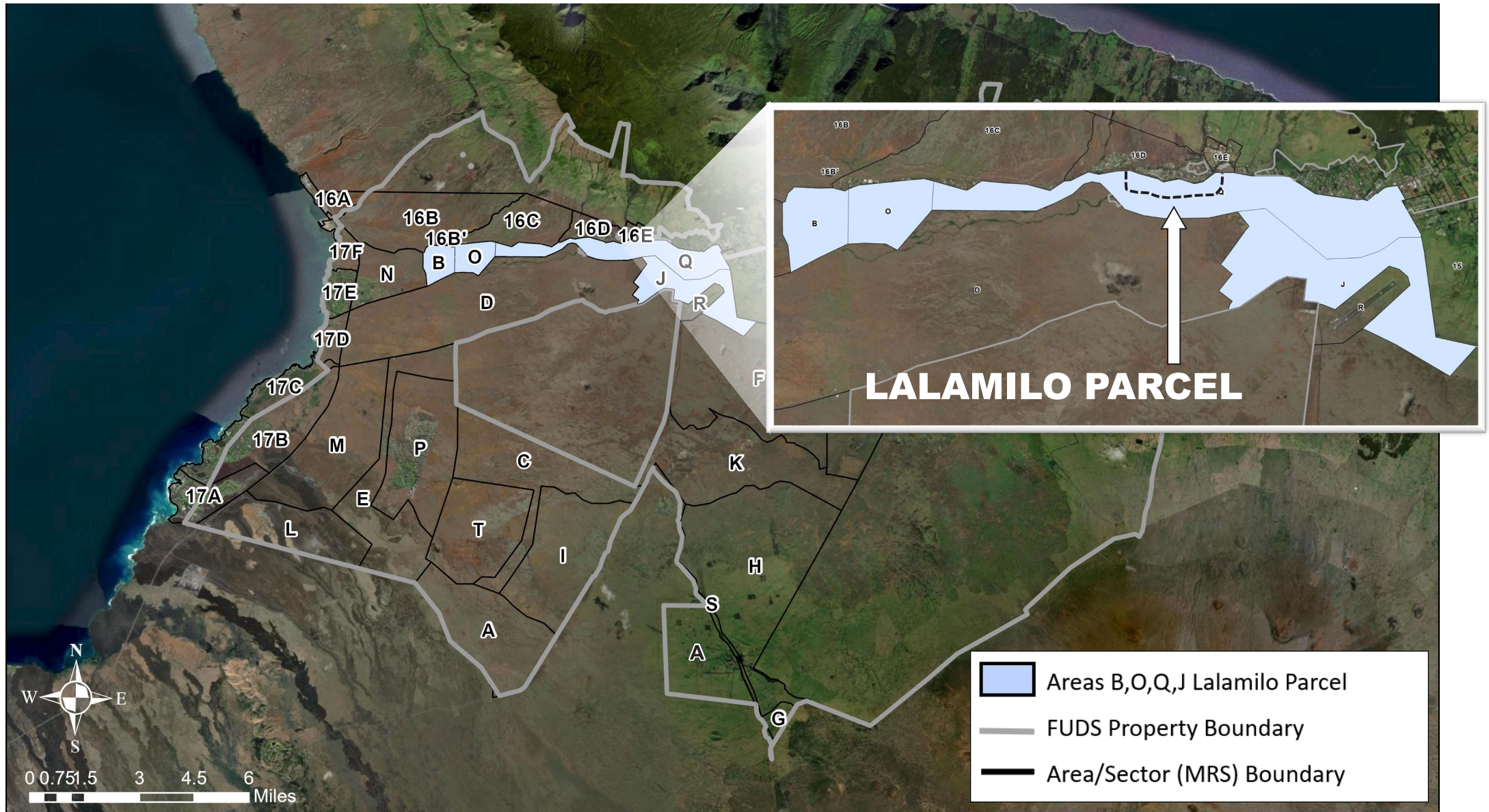
Implementation Phase of Selected Remedy



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AREAS B,O,Q,J-CLEARED (PROJECT 02) DHHL LALAMILO PARCEL

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AREAS B,O,Q,J-CLEARED (PROJECT 02)

DHHL LĀLĀMILO PARCEL



Figure 1. Cleared and Obstructed Areas
Former Waikoloa Maneuver Area, Waimea, Hawaii



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AREAS B,O,Q,J-CLEARED (PROJECT 02) DHHL LĀLĀMILO PARCEL



➤ Status

- Prepared and submitted Draft Final Remedial Action Report to Hawaii Department of Health
- Responded to Hawaii Department of Health comments
- Prepared and submitted Final Remedial Action Report to Hawaii Department of Health
- Confirming acreage in support of Hawaii Department of Health Conditional No Further Action letter to Department of Hawaiian Home Lands



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WORK STATUS UPDATE



Five-Year Reviews

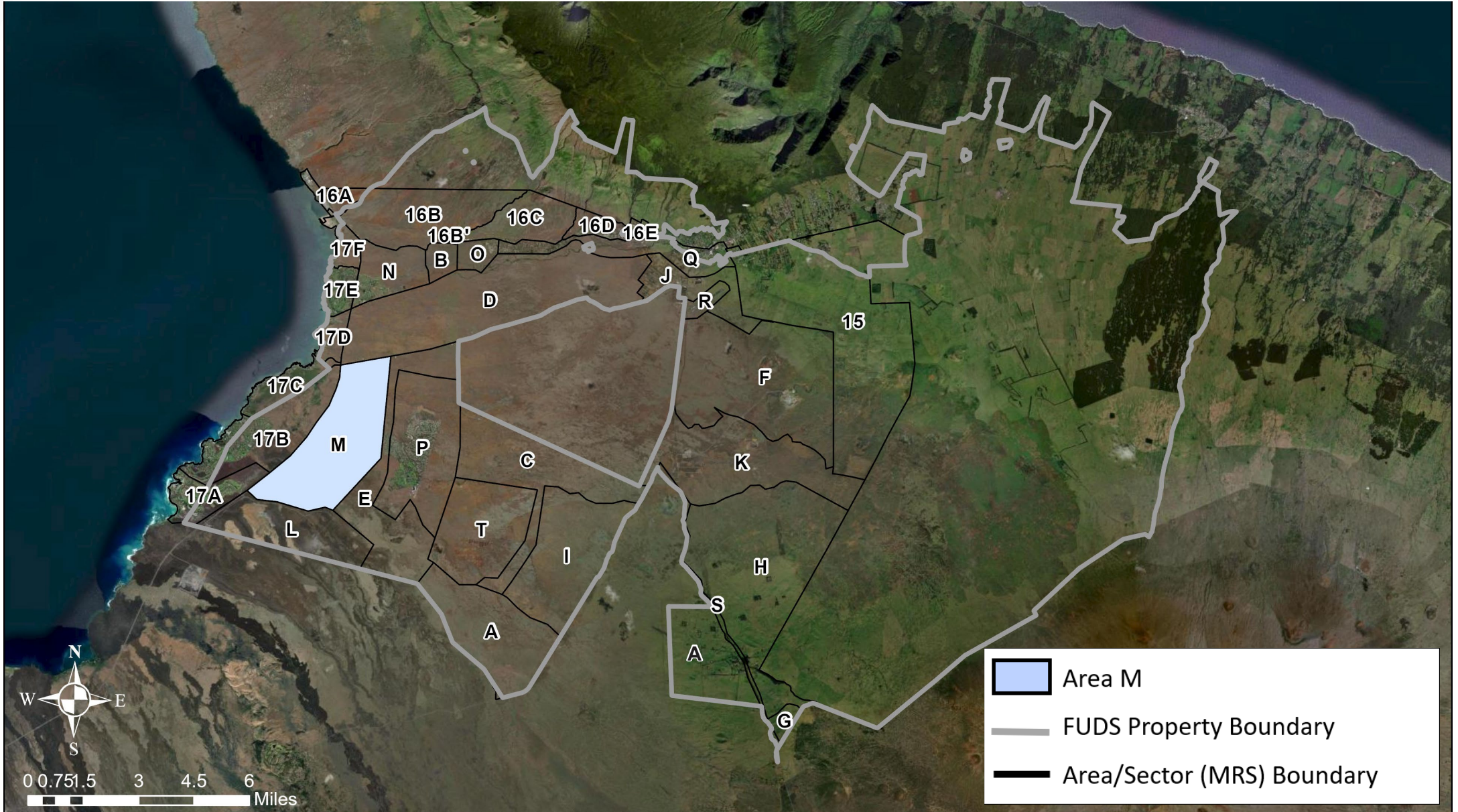
Check to confirm remedy is working



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AREA M (PROJECT 08)

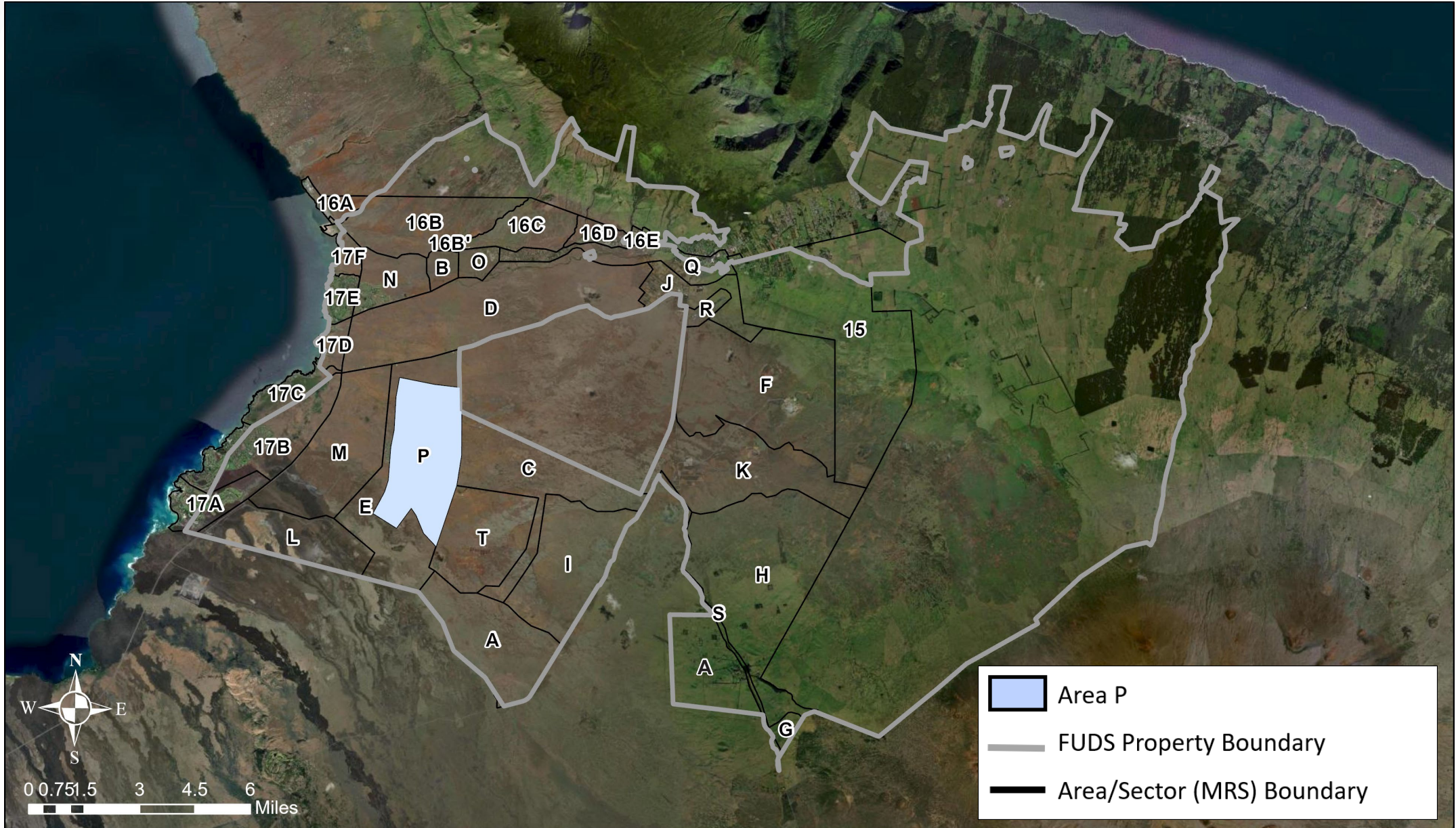




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AREA P (PROJECT 08)

35





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AREA M (PROJECT 07) & AREA P (PROJECT 22)

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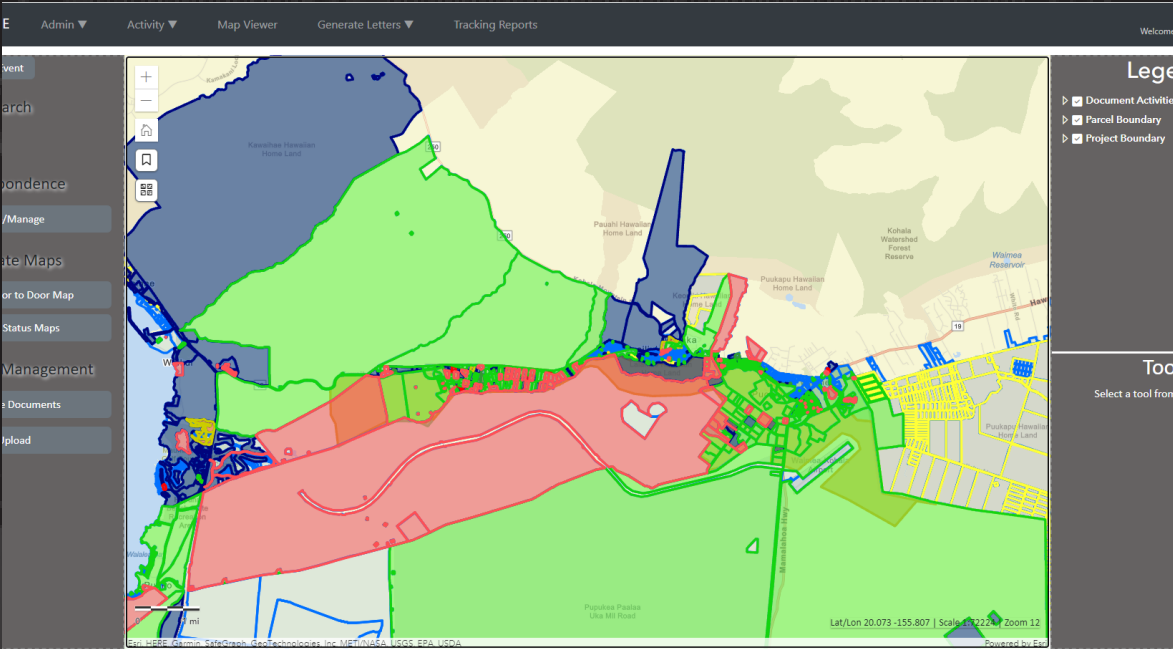


➤ Status

- Five-Year Reviews for both Areas M and P concluded
Protectiveness Deferred
 - Develop Land Use Control Implementation Plan for 3Rs
Educational Awareness Program
 - Additional investigation in areas where Non Time Critical
Removal Action was performed
 - Implement the remedy at areas that are uninvestigated and
unobstructed which can be investigated.
- Five-Year reviews are required and will continue through
Long Term Management phase

RIGHT OF ENTRY WAIKOLOA MANEUVER AREA H09HI0359

October 2023



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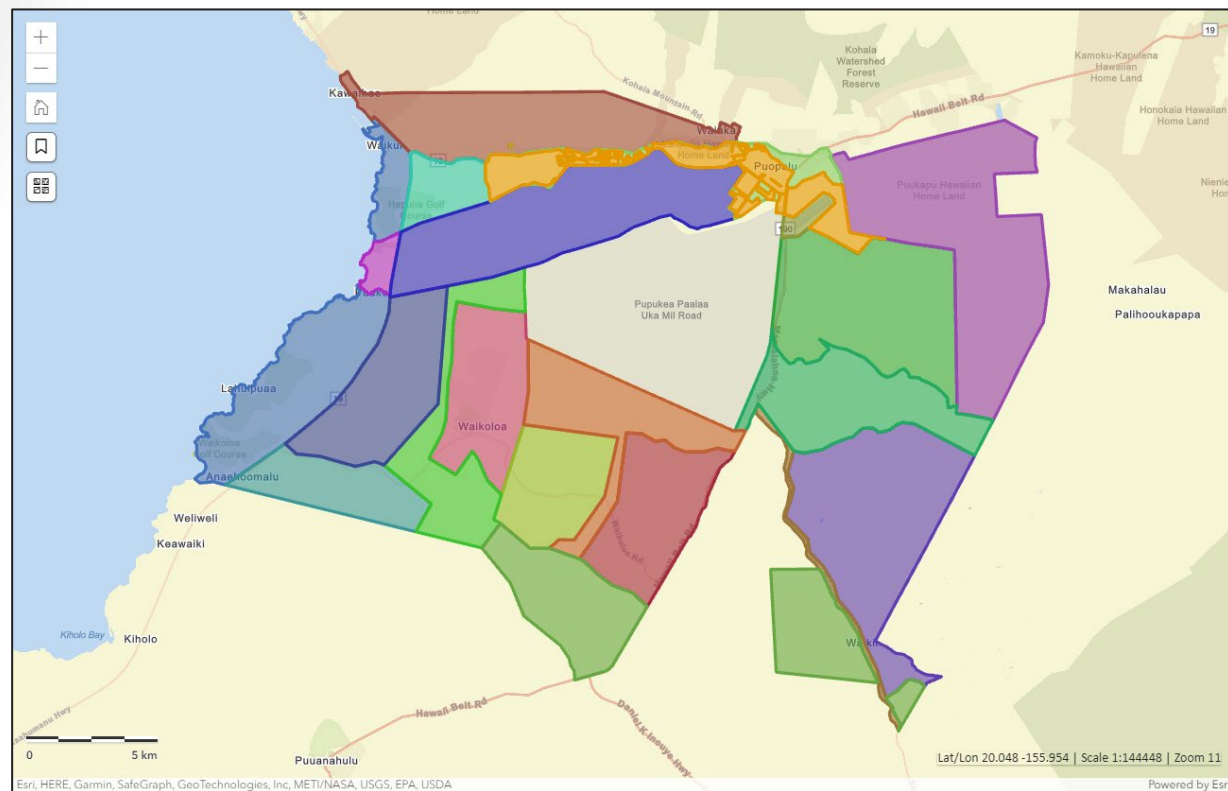


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Recognize
Retreat
Report

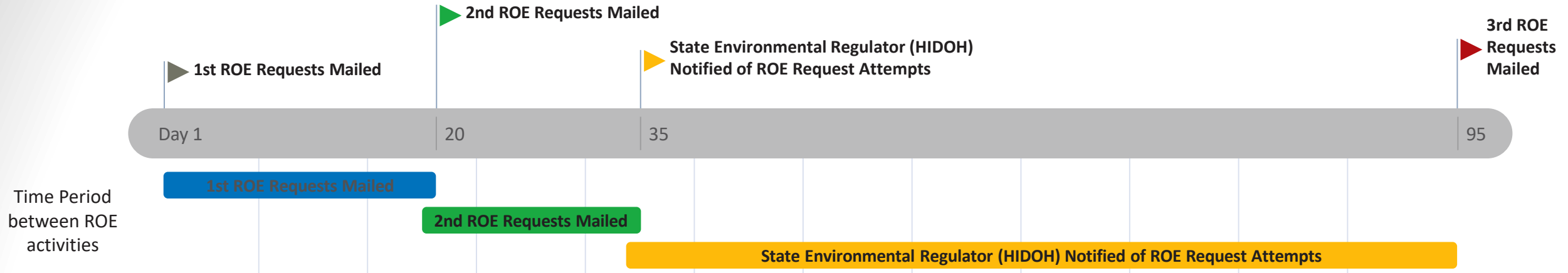
Why Right of Entry (ROE)?



- There are 22 projects that have been identified within the Waikoloa Formerly Used Defense Site (FUDS).
- A project is a specific location that is known or suspected to require a munitions response because of known or suspected activities that were conducted by the Department of Defense (DoD).
- Before any fieldwork can begin at any project, U.S. Army Corps of Engineers (USACE) must have access to a majority of the project area. Access is obtained via right of entry (ROE) between landowners and USACE.
- A fully executed ROE is required between the landowner (and associated stakeholders) and USACE.



ROE Process



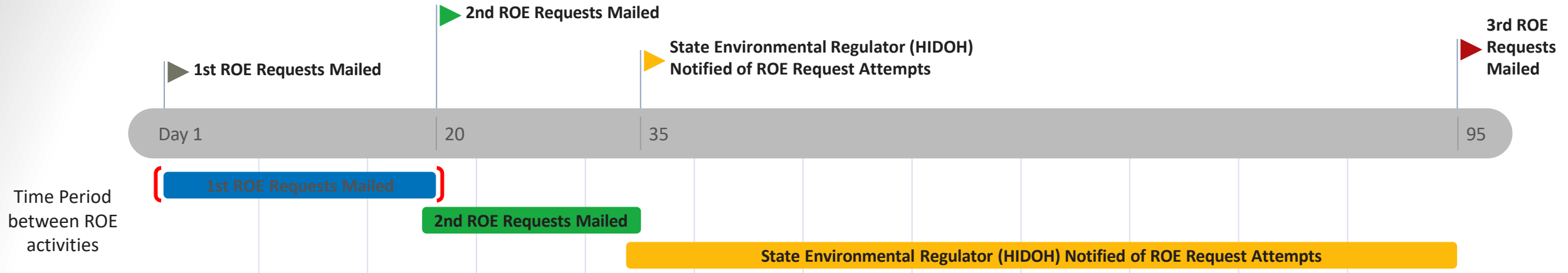
- Right of Entry (ROE) is a legal agreement between a landowner and the U.S. Army Corps of Engineers (USACE) that gives USACE and its contractors permission to go onto your property for a specified amount of time (typically 5 years) and for specific purposes, such as to perform testing or to conduct cleanup activities.
- No work can be performed at a property if the landowner does not grant ROE.
- The process USACE follows to obtain ROE is outlined in Engineer Regulation 200-3-1 (September 2020) and the FUDS Handbook (December 2022).
 - The ER and Handbook identify steps to follow if a landowner denies ROE or does not respond to the ROE request letter.



ROE Process (continued)



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1st ROE Requests Mailed

- Landowners are identified for project area where fieldwork activities will be conducted.
- Landowners within the project area are mailed an envelope that contains a cover letter, ROE permit, parcel map, fact sheet (information pamphlet), and return envelope.



ROE REQUEST EXAMPLES



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
230 OTAKE STREET, BUILDING 230
FORT SHAFTER, HAWAII 96858-5440

June 2, 2023

Environmental Programs Branch
Programs and Project Management

via USPS Certified Mail

Cover Letter

Dear Property Owner or Lessee:

The U.S. Army Corps of Engineers (USACE) has identified the property you own at: Tax Map Keys (TMK) that are listed below, as located within, or adjacent to the former Waikoloa Maneuver Area. The Formerly Used Defense Sites Program was established to identify and remedy properties such as yours, where past Department of Defense (DoD) activities may have contributed to a release. Past DoD activities may have contributed to a contaminated condition that could present a risk to human health and the environment. The USACE is seeking access to respond to the potential condition of your property in accordance with applicable laws and regulations.

TMKs

A fact sheet providing information on the FUDS Program and the FUDS Property is enclosed. General information on the FUDS program is also available at <http://www.fuds.mil>.

We request your permission to enter the property for a period sufficient to complete the necessary work as described in the attached Right-of-Entry agreement, generally anticipated to be five years from the date you sign the ROE to determine if any DERP eligible CERCLA contamination for execution by the FUDS Program is present on your property, etc. This may involve making a visual inspection of the property, surveying it with a metal detector or other instrument, and collecting soil and/or water samples, etc. At this time, we are not able to specify the exact dates for performing work due to the unpredictable nature of the weather and other factors. However, we will notify you at least

Document ID: 15_96E740B_2201_B4C13F



15 calendar days prior to commencing on-site activities. If you decide to grant permission, please sign and return the enclosed Right-of-Entry form in the envelope provided. We are requesting that each owner, lessee, and trustees voluntarily sign the form.

After performing the Remedial Investigation/Feasibility Study phase for this project, we will advise you of our findings. We will also discuss with you the next steps in the process for addressing any hazards that may be present as a result of DoD's former use of the property and seek your additional permission before proceeding with any further action that may be required on the property.

If you have any questions regarding this request or would like further information, please contact Mr. Dave Griffin, Waikoloa Maneuver Area Program Manager with the U.S Army Corps of Engineers, at 808-835-4079.

Encls
Right-of-Entry
FUDS Program Fact Sheet

Document ID: 15_96E740B_2201_B4C13F



ROE REQUEST EXAMPLES

ROE Permit

DACA ID: _____

DEPARTMENT OF THE ARMY
RIGHT OF ENTRY (ROE) FOR FORMERLY USED DEFENSE SITES PROGRAM

Waikoloa Maneuver Area
Formerly Used Defense Sites (FUDS)

FUDS ID: H09HI035909, H09HI035920

The undersigned, hereby grants to the Department of the Army, its employees, contractors, and subcontractors a Right-of-Entry on the property located in: Waikoloa Maneuver Area and described as:

TMKs

1.

This Right-of-Entry is granted upon the following terms and conditions:

This Right-of-Entry may be exercised only for the purposes of:

Investigation of the property for chemical contamination, containerized regulated substances, or Munitions or Explosives of Concern, which may involve soil sampling, installation of groundwater monitoring wells, geophysical surveys, and clearance of surface vegetation.

All proposed activities will be coordinated with the Owner 15 days prior to the start of work.

2.

This Right-of-Entry may be exercised at any time after the notice and is anticipated to end in or around June 2028 for the current phase of work; given consideration to potential delays in the document review schedule and multiple fieldwork mobilizations but may be exercised until the work described above is complete.

3.

This Right-of-Entry does not grant any right to enter into any structure or building located on the property described above.

4.

If any action of the Government's employees or agents in the exercise of this Right- of-Entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing

Document ID: 15_96E740B_2201_B4C13F

DACA ID: _____

contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5.

This Right-of-Entry may be revoked in writing by the undersigned upon no less than 30 days prior notice delivered to the Department of the Army at:

If the undersigned attempts to terminate or revoke this Right-of-Entry before the end of the period provided in paragraph 2, above, without the required notice period stated in this paragraph, the Government will be entitled to recover from the undersigned all damages incurred as a result of the early termination of access to the property, including all contractor costs and any other expenses of the Government incurred because of the unanticipated early termination.

Dated this _____ day of _____, 20_____.

(Signature – Owner or Lessee)

Name(s) (Print Name and Title)

Mailing Address

Phone/Cellular Nos.

E-mail Address

Document ID: 15_96E740B_2201_B4C13F



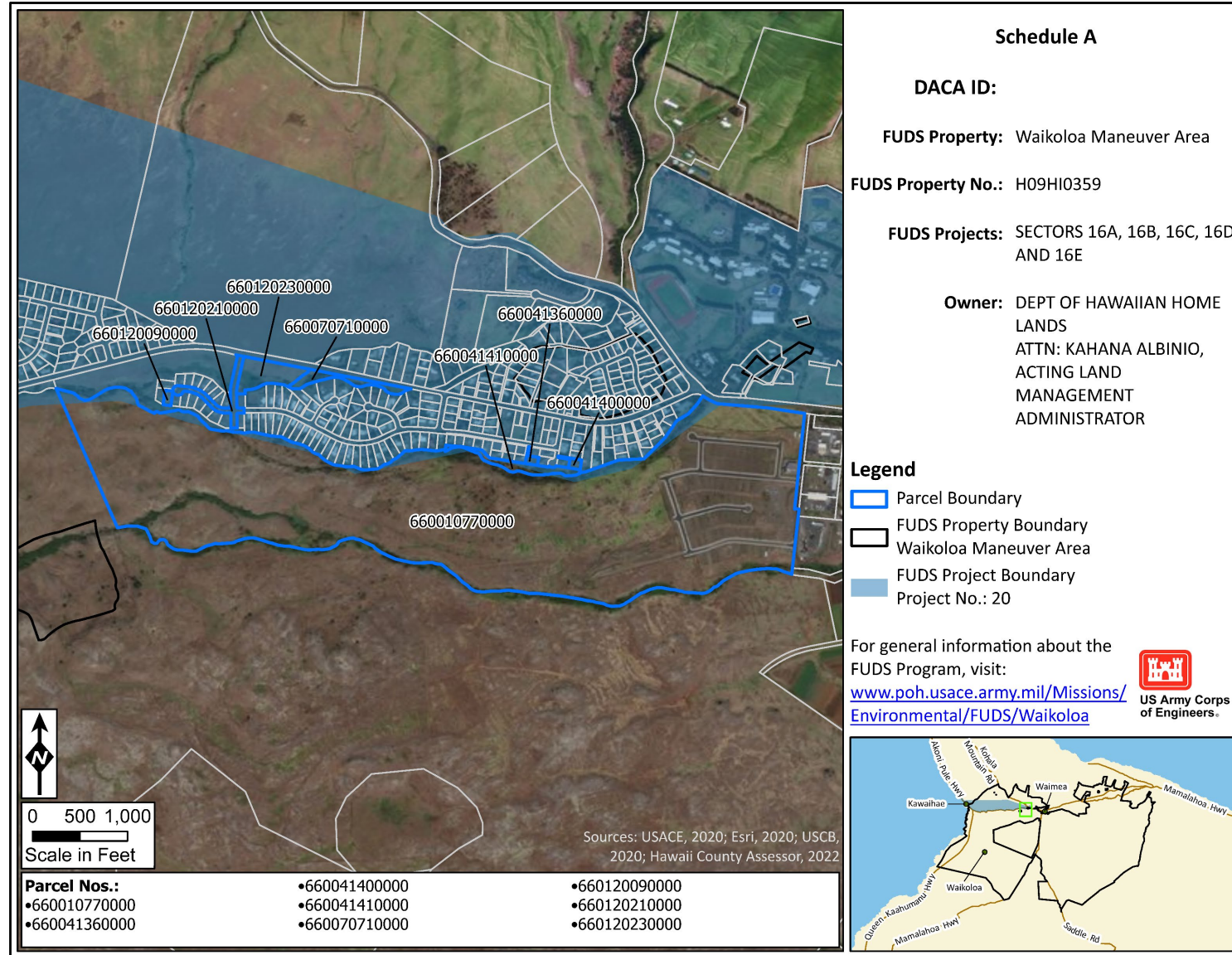
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ROE REQUEST EXAMPLES

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Parcel Map

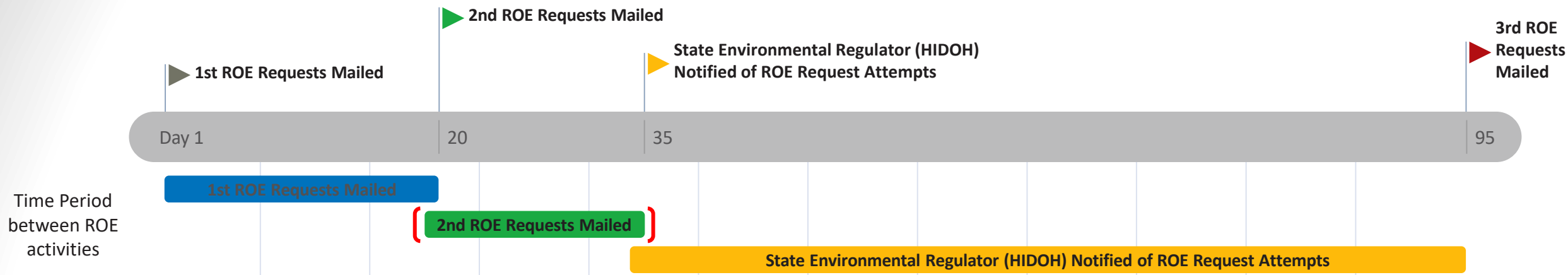




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ROE Process (continued)

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2nd ROE Requests Mailed

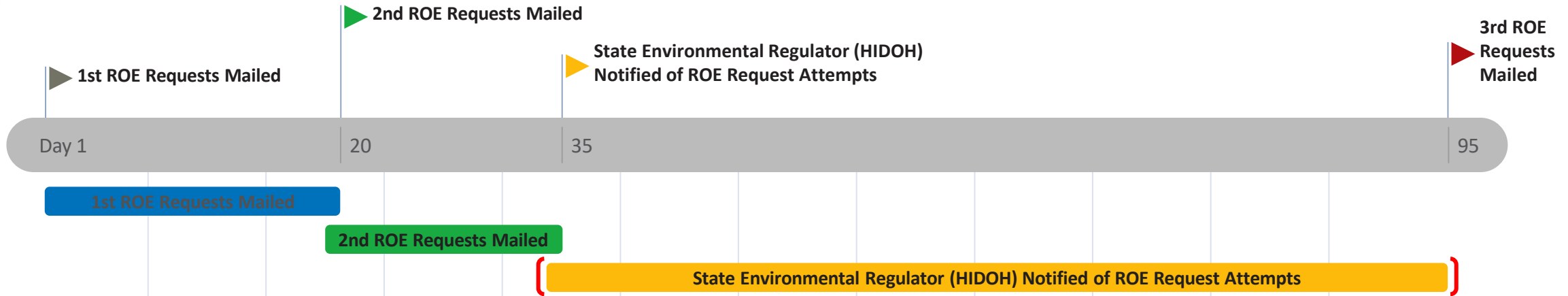
- 2nd ROE requests will be mailed to landowners that deny ROE or do not respond to the 1st ROE request letter.
- Given the short timeline between mailings, some owners that have responded will still receive the 2nd request packet (cover letter, ROE permit, parcel map, fact sheet, and return envelope).



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ROE Process (continued)

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Hawaii Department of Health (HIDOH) Notification

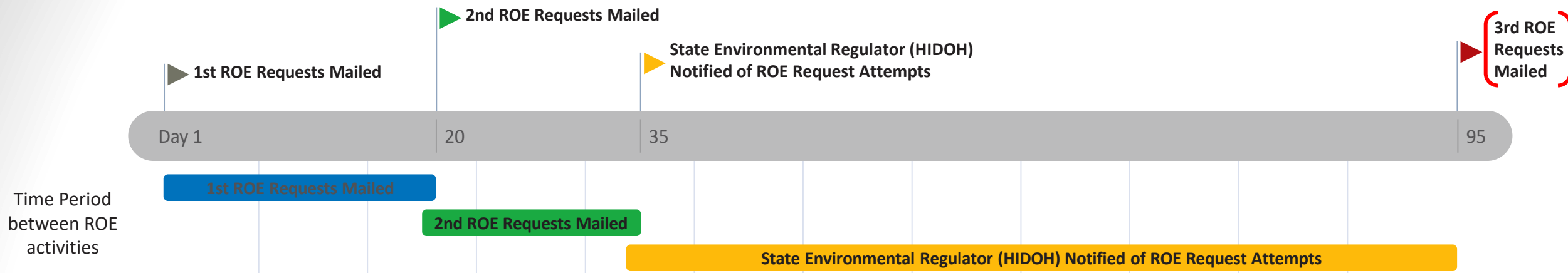
- The U.S. Army Corps of Engineers (USACE) contacts HIDOH and requests their assistance in obtaining ROE from landowners that deny ROE or did not respond to the 1st and 2nd ROE requests.
- HIDOH will determine if the agency will reach out to landowners. Typically, a letter from the State of Hawaii will be mailed within 60 days of them being contacted by USACE.



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ROE Process (continued)

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3rd ROE Requests Mailed

- 3rd ROE requests will be mailed to landowners that deny ROE or do not respond to the 1st or 2nd ROE requests or the HIDOH notification
- This is the final ROE request that will be mailed to landowners.
- Letter states that the landowner assumes “responsibility and associated liability for or the further release of contamination or harm to human health or the environment...”

NOTE:

- Additional requests may be made in the future if adequate access into the project area is not obtained.
- Landowners may receive periodic notifications (every 5 years) if a munitions response is still required.

WMA OUTREACH



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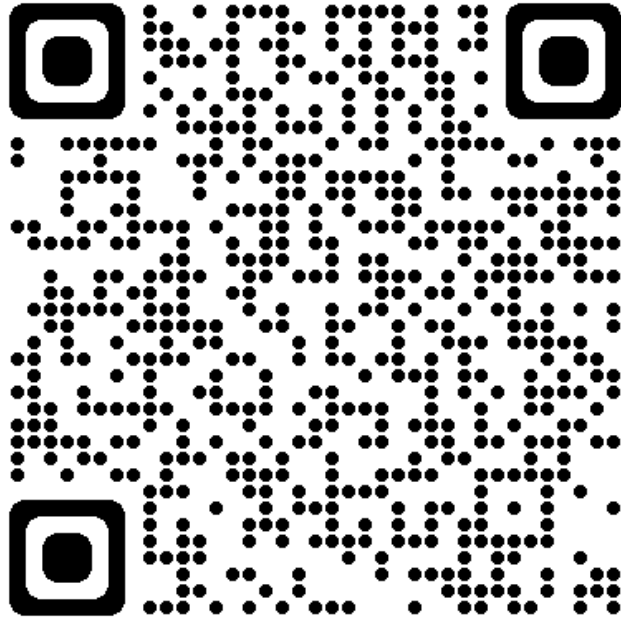
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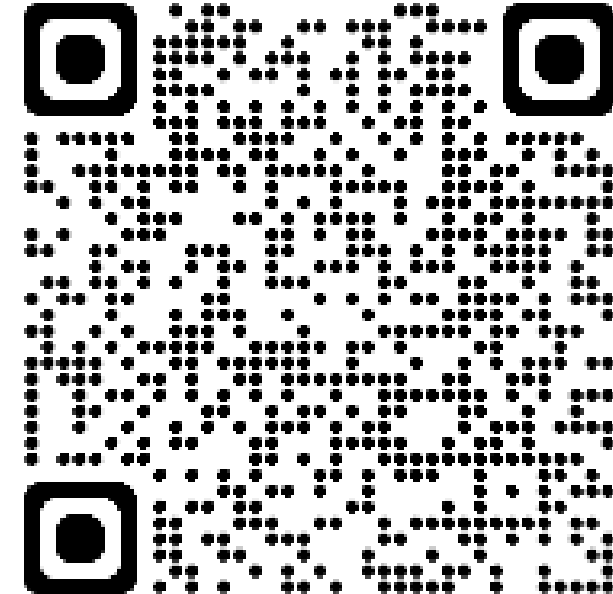
INFORMATION AT YOUR FINGERTIPS

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Join our mailing list

Meeting reminders and
other updates



Visit our website

Meeting agendas,
recordings, project
updates, and other general
WMA information



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WMA COMMUNITY OUTREACH YEAR IN REVIEW



The WMA Outreach Program:

Sent: 3,491 emails

Supported: 57 community events/meetings

We shared the 3Rs of Explosives Safety Message with approximately:

1403 adults

1769 children

Let us know how we can do better!

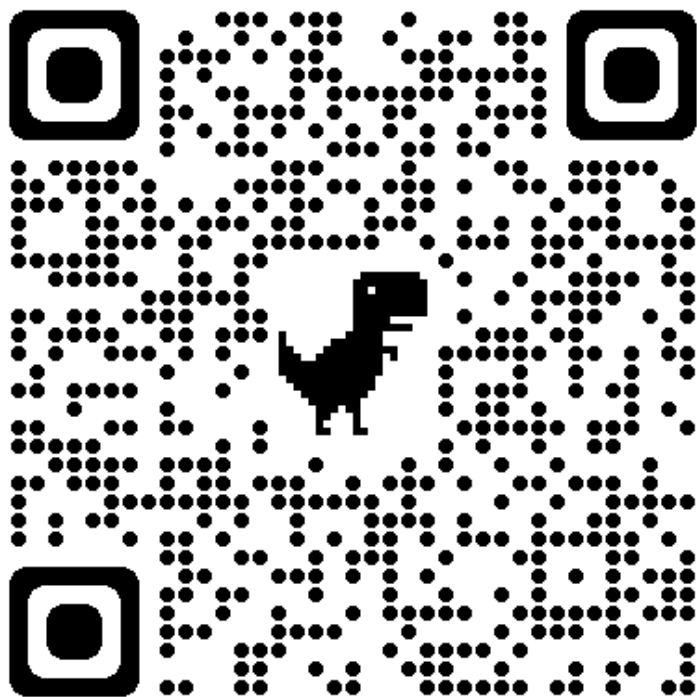
WMAUXOInfo@usace.army.mil



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WORK WITH USACE TO SCHEDULE YOUR OWN OUTREACH EVENT

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Please reach out at least 3-4 weeks in advance of your event.

3rd Thursday Trainings

USACE Staff will be available to present 3Rs training and host Coffee with the Corps.

These sessions are open to the public and are also available by request for the community.

If you would like to attend or schedule a 3rd Thursday Training, please email us at:

WMAUXOInfo@usace.army.mil



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QUESTIONS / DISCUSSION

Formerly Used Defense Sites (FUDS) Websites

- USACE HQ FUDS

<https://www.usace.army.mil/missions/environmental/formerly-used-defense-sites/>

- USACE-POH FUDS

<https://www.poh.usace.army.mil/Missions/Environmental/FUDS/>

- 3Rs of Explosive Safety Program

<https://www.usace.army.mil/Missions/Environmental/Formerly-Used-Defense-Sites/3Rs-of-Explosives-Safety-Information/>

- [3Rs.mil](https://www.3rs.mil)



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IF YOU SEE SOMETHING SAY SOMETHING!

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Follow the 3Rs of Explosives Safety:

- **RECOGNIZE** when you may have encountered a munition and that munitions are dangerous
- **RETREAT** do not approach, touch, move, or disturb it, but carefully leave the area
- **REPORT** call 911 and advise the police of what you saw and where you saw it.

